
S T A T U T O R Y I N S T R U M E N T S

1982 No. 1656 (C. 51)

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Act 1982 (Commencement) Order 1982

Made - - - - - 22nd November 1982

The Secretary of State, in exercise of the powers conferred on him by section 22 of the Employment Act 1982(a) (“the Act”), hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Employment Act 1982 (Commencement) Order 1982.

(2) In this Order “effective day” has the same meaning as “effective date of termination” in section 55(4) of the Employment Protection (Consolidation) Act 1978(b) (“the 1978 Act”) but in a case in which a later date would fall to be treated as the effective date of termination for certain purposes, if subsections (5), (6) and (7) as substituted in that section by paragraph 1 of Schedule 3 to the Act were applied to the termination of the contract of employment in question, means that later date.

Commencement provisions

2.—(1) Subject to paragraphs (2) and (3) of this Article, the provisions of the Act not already in operation on 1st December 1982 shall come into operation on that day.

(2) Section 1 of the Act (employee involvement) shall come into operation on 1st January 1983.

(3) The provisions of the Act specified in Schedule 1 to this Order shall come into operation on 2nd January 1983.

Transitional and supplementary provisions

3. The transitional and supplementary provisions specified in the second column of Schedule 2 to this Order, which relate to the provisions of the Act set opposite them in the first column of that Schedule, shall have effect.

Norman Tebbit,
Secretary of State for Employment.

22nd November 1982.

(a) 1982 c. 46.

(b) 1978 c. 44.

Article 2(3)

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 2ND JANUARY 1983

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 20 and Schedule 2	Change of basis of computation of period of continuous employment.
Section 21(3) as far as it relates to:— (a) section 119(17) of the Employment Protection Act 1975(a); (b) sections 3, 4(4)(b), 5, 7, 73(3)(a) and (b), 81(4), 143, 147, 149(1)(c) and 149(2) of, and paragraphs 2(a) and (b) and 7 of Schedule 4, paragraph 13 of Schedule 13 and paragraph 23(9) of Schedule 16 to, the 1978 Act.	Repeals.

Article 3

SCHEDULE 2

TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

<i>Provisions of the Act</i>	<i>Transitional and supplementary provisions relating thereto</i>
Section 1	Section 1 shall not apply to any directors' report relating to a financial year beginning before 1st January 1983.
Section 3	Until 1st November 1984, section 58 of the 1978 Act shall have effect as if section 58(3)(c) applied only to a union membership agreement taking effect in relation to the employees in question after 14th August 1980.
Sections 3, 4, 5, 6, 7 and 11, paragraphs 17, 19, 20, 21, 22, 23, 27(2)(a) and 27(3)(a) of Schedule 3, and section 21(3) as far as it relates to sections 71(3)(a), 73(1)(b) and (7), 73(7B), 76B, 76C and 153(1) of the 1978 Act and sections 7, 10 and 15(4) of, and paragraphs 12 and 14 of Schedule 1 to, the Employment Act 1980(b).	These provisions shall not apply in any case where the effective day falls before 1st December 1982.

(a) 1975 c. 71.

(b) 1980 c. 42.

SCHEDULE 2

Article 3

TRANSITIONAL AND SUPPLEMENTARY PROVISIONS—*contd.*

<i>Provisions of the Act</i>	<i>Transitional and supplementary provisions relating thereto</i>
Section 8, paragraph 24 of Schedule 3 and section 21(3) as far as it relates to section 77(10) of the 1978 Act.	These provisions shall not apply to any complaint presented to an industrial tribunal before 1st December 1982.
Section 9	Section 9 shall not apply to a dismissal which takes place during a lock-out or strike or other industrial action if the lock-out or strike or other industrial action begins before 1st December 1982.
Section 10	Until 1st November 1984, section 23 of the 1978 Act shall have effect as if section 23(2B) applied only to a union membership agreement taking effect in relation to the employees in question after 14th August 1980.
Section 10 and paragraph 16 of Schedule 3	These provisions shall not apply in any case where the action short of dismissal is taken before 1st December 1982.
Section 15 and section 21(3) as far as it repeals section 14 of the Trade Union and Labour Relations Act 1974(a).	These provisions shall not apply to an act done before 1st December 1982 unless it is continued after 30th November 1982.
Paragraphs 1, 28, 29 and 30 of Schedule 3	These provisions shall not apply in any case where the employer or employee gave notice of termination or terminated the contract of employment before 1st December 1982.
Paragraph 2 of Schedule 3	This provision shall not apply where the date by reference to which the length of an employee's period of continuous employment falls to be ascertained is before 1st December 1982.
Paragraphs 4 and 5 of Schedule 3	These provisions shall not apply in any case where the "relevant date", as defined in section 122(2) of the 1978 Act as amended by paragraph 3 of Schedule 3 to the Act, falls before 1st December 1982.
Paragraph 6 of Schedule 3 and section 21(3) as far as it relates to the repeal of section 146(1) of the 1978 Act.	<p>The repeal of section 146(1) of the 1978 Act shall not operate:</p> <p>(a) to confer a right on an employee under sections 1 or 4 of the 1978 Act where the employment begins, or, as the case may be, the change in the terms of employment occurs, before 1st December 1982;</p>

Article 3

SCHEDULE 2

TRANSITIONAL AND SUPPLEMENTARY PROVISIONS—*contd.*

<i>Provisions of the Act</i>	<i>Transitional and supplementary provisions relating thereto</i>
<p>Paragraph 6 of Schedule 3 and section 21(3) as far as it relates to the repeal of section 146(1) of the 1978 Act.</p>	<p>(b) to confer a right on an employee under section 12 of the 1978 Act in respect of any "workless day", as defined in that section, which falls before 1st December 1982;</p> <p>(c) to confer a right under section 33 of the 1978 Act on an employee whose absence from work wholly or partly because of pregnancy or confinement begins before 1st December 1982;</p> <p>(d) to confer any right on an employee under section 53 or Part V of the 1978 Act where the effective day falls before 1st December 1982;</p> <p>(e) to confer any right on an employee under Part VI of the 1978 Act where the "relevant date", as defined in subsections (1) or (2) of section 90 of that Act, falls before 1st December 1982 except in a case where a date falling after 30th November 1982 would fall to be treated as the relevant date for certain purposes if section 90(3) of that Act were applied;</p> <p>(f) to confer a right on an employee under section 122 of the 1978 Act where the "relevant date", as defined in that section as amended by paragraph 3 of Schedule 3 to the Act, falls before 1st December 1982 or to enable the Secretary of State to pay any sum under section 123 of the 1978 Act in respect of unpaid relevant contributions falling to be paid on behalf of an employee who is the husband or wife of the employer where the employer becomes insolvent before 1st December 1982.</p>

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation all the provisions of the Employment Act 1982 other than section 2 and Schedule 1 (compensation for certain dismissals) which came into operation on the passing of the Act.

All the provisions brought into operation by the Order come into effect on 1st December 1982 except section 1 (employee involvement), which comes into operation on 1st January 1983, and section 20 and Schedule 2 (change of basis of computation of period of continuous employment) and the repeals connected therewith, which come into operation on 2nd January 1983.

The Order contains transitional and supplementary provisions, one of which has the effect that until 1st November 1984 the dismissal of an employee covered by a union membership agreement which took effect in relation to employees of his class before 15th August 1980 will not be unfair by reason only that no ballot approving the agreement has been held during the period of five years ending with his dismissal.

SI 1982/1656
ISBN 0-11-027656-6

