

SCHEDULE 3

TRANSITIONAL AND SAVING PROVISIONS

Detriment relating to trade union membership

1.—(1) The amendments to sections 146 to 150 of the 1992 Act made by Schedule 2 to the Act (union membership: detriment) shall have effect only in relation to an act or failure to act which takes place on or after 25th October 1999.

(2) For the purposes of sub-paragraph (1)—

- (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period; and
- (b) a failure to act is to be treated as done when it was decided on.

(3) For the purposes of sub-paragraph (2), in the absence of evidence establishing the contrary an employer shall be taken to decide on a failure to act—

- (a) when he does an act inconsistent with doing the failed act, or
- (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.