
STATUTORY INSTRUMENTS

2004 No. 2566

**The Employment Relations Act 2004 (Commencement
No.1 and Transitional Provisions) Order 2004**

Transitional Provisions

- 6.—(1) The amendments and repeals made by the following provisions of the Act—
- (a) section 30 and subsections (1) to (7) of section 31,
 - (b) the paragraphs of Schedule 1 mentioned in article 3(b), and
 - (c) the entries in Schedule 2 mentioned in article 3(c) that relate to sections of the 1992 Act,
- do not apply in the circumstances specified in paragraph (2).
- (2) The circumstances are –
- (a) where the act or failure to act to which the complaint relates was done before 1st October 2004, or
 - (b) where the act or failure to act to which the complaint relates is part of a series and the first act or failure in the series was done before that date.
- (3) For the purposes of paragraph (2) an act extending over a period is done on the last day of that period and a failure to act shall be treated as done when it was decided on.
- (4) For the purposes of paragraph (3), in the absence of evidence establishing the contrary, the 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.