

**2015 No. 1329 (C. 75)**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**COMPANIES**

**INSOLVENCY**

**REGULATORY REFORM**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Small Business, Enterprise and Employment Act 2015  
(Commencement No. 1) Regulations 2015

*Made* - - - -

*20th May 2015*

The Secretary of State, in exercise of the powers conferred by sections 161(2) and 164(1) of the Small Business, Enterprise and Employment Act 2015<sup>(a)</sup>, makes the following Regulations.

**Citation**

1. These Regulations may be cited as the Small Business, Enterprise and Employment Act 2015 (Commencement No. 1) Regulations 2015.

**Provisions coming into force on 26th May 2015**

2. The following provisions of the Small Business, Enterprise and Employment Act 2015 (“the Act”) come into force on 26th May 2015—

- (a) section 18 (power to specify regulatory functions);
- (b) subsections (1), (3) and (4) of section 19 (guidance by the Secretary of State);
- (c) subsections (4), (6) and (7) of section 33 (definitions of small and micro business: power to make regulations);
- (d) section 34 (small and micro business regulations: further provision);
- (e) section 149 (protection for applicants for employment etc. in the health service);
- (f) section 152 (amount of financial penalty for underpayment of national minimum wage);
- (g) section 153 (exclusivity terms unenforceable in zero hours contracts);
- (h) section 158 (concessionary coal).

3. The following provisions of the Act come into force on 26th May 2015 for the purposes of enabling the exercise of any power to make provision by regulations, rules or order made by statutory instrument or to prepare and issue guidance—

- (a) section 81 and Schedule 3 (register of people with significant control);
- (b) section 96 (protection of information about a person’s date of birth);
- (c) sections 104 to 111 (directors’ disqualification) and Schedule 7 (sections 104 to 110: consequential and related amendments);
- (d) sections 122 to 126 (position of creditors) and Schedule 9 (abolition of requirements to hold meetings; opted-out creditors).

**Provisions coming into force on 15th June 2015**

4. Paragraphs 16(a) and 17 of Schedule 2 to the Act (registration of childcare: premises) and section 77 so far as relating to those paragraphs come into force on 15th June 2015.

**Provisions coming into force on 1st July 2015**

5. Sections 28 to 32 of the Act (secondary legislation: duty to review) come into force on 1st July 2015.

**Provisions coming into force on 1st January 2016**

6. The following provisions come into force on 1st January 2016—

- (a) section 76 of the Act (child minding other than on domestic premises);
- (b) section 77 of, and Schedule 2 to, the Act (registration of childcare: premises), except for those provisions referred to in regulation 4.

20th May 2015

*Nick Boles*  
Minister for Skills  
Department for Business, Innovation and Skills

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These are the first commencement regulations made under the Small Business, Enterprise and Employment Act 2015 (c.26) (“the Act”). Certain provisions came into force on the passing of the Act.

Regulation 2 commences a number of provisions of the Act that:

- enable the Secretary of State to specify in regulations (subject to affirmative resolution procedure), regulatory functions in respect of which a reviewer of regulators’ complaints and appeals procedures must be appointed;
- enable the Secretary of State to issue guidance to such reviewers;
- enable the Secretary of State to make regulations supplementing the definitions of “small business” and “micro business” in section 33 of the Act;
- enable the Secretary of State to make regulations to prohibit a prescribed NHS employer from discriminating against a job applicant because it appears to the NHS employer that the applicant has made a protected disclosure (within the meaning given by section 43A of the Employment Rights Act 1996);
- render unenforceable exclusivity clauses in zero hours contracts;

- amend provisions regarding penalties for underpayment of national minimum wage; and
- provide for the Secretary of State to make payments for securing entitlements to concessionary coal.

Regulations 3 and 4 bring into force certain provisions in the Act for the purpose of enabling the exercise of delegated powers or the power to prepare and issue statutory guidance.

Regulation 5 brings into force the duty to review regulatory provisions in secondary legislation.

Regulation 6 commences provisions in the Act concerning childcare and childminding, to the extent not already brought into force by regulation 4.

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£4.25

UK201505212 05/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1329>

ISBN 978-0-11-113644-7



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