

2014 No. 1640 (C. 67)

TERMS AND CONDITIONS OF EMPLOYMENT

**The Children and Families Act 2014 (Commencement No. 3,
Transitional Provisions and Savings) Order 2014**

Made - - - -

26th June 2014

The Secretary of State, in exercise of the powers conferred by sections 137(1) and 139(6) of the Children and Families Act 2014(a), makes the following Order.

Citation

1. This Order may be cited as the Children and Families Act 2014 (Commencement No. 3, Transitional Provisions and Savings) Order 2014.

Interpretation

2. In this Order—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(b);

“the 2014 Act” means the Children and Families Act 2014; and

“expected week of birth” means the week, beginning with midnight between Saturday and Sunday, in which it is expected that a child will be born.

Provisions coming into force on 30th June 2014

3.—(1) The following provisions of Parts 7 to 9 of the 2014 Act come into force on 30th June 2014 subject to the transitional and saving provisions in articles 9 and 10—

- (a) section 117 (shared parental leave);
- (b) section 118 (exclusion or curtailment of other statutory rights to leave);
- (c) section 119 (statutory shared parental pay);
- (d) section 120 (exclusion or curtailment of other statutory rights to pay);
- (e) section 121 (statutory rights to leave and pay of prospective adopters);
- (f) section 122 (statutory rights to leave and pay of applicants for parental orders);
- (g) section 123(1) and (2) (statutory paternity pay: notice requirement);
- (h) section 126(1) (further amendments) (in so far as it relates to the provisions listed in paragraph (2) in this article);
- (i) section 127(2)(a) and (b) (time off work to accompany to ante-natal appointments);
- (j) section 128(2)(a) to (c) (time off to attend adoption appointments);

(a) 2014 c. 6.

(b) 1992 c. 4.

- (k) section 131 (removal of requirement to be a carer);
- (l) section 132 (dealing with applications);
- (m) section 133 (complaint to employment tribunals); and
- (n) section 134 (review of sections 131 to 133).

(2) The following provisions of Schedule 7 (statutory rights to leave and pay: further amendments) to the 2014 Act come into force on 30th June 2014 subject to the transitional and savings provisions in article 9—

- (a) paragraph 1;
- (b) paragraph 2(1) and (4);
- (c) paragraph 9(b);
- (d) paragraph 23;
- (e) paragraph 24(b);
- (f) paragraph 29;
- (g) paragraph 31(a);
- (h) paragraph 34(1), (3)(c) and (d), and (5)(c);
- (i) paragraph 39(a);
- (j) paragraph 41;
- (k) paragraph 42(b) and (c);
- (l) paragraph 47(1), (2)(b), and (3)(b);
- (m) paragraph 48(1);
- (n) paragraph 50;
- (o) paragraph 51(1), (2)(b), (3)(a)(ii) and (b)(ii), and (4)(b) and (c);
- (p) paragraph 52(1), (2)(b), and (3)(a)(ii), (b)(ii), and (c)(ii);
- (q) paragraph 53(1), (2)(b), and (3)(b); and
- (r) paragraph 73(1), (2) and (3).

Provisions coming into force on 1st October 2014

4. The following provisions of the 2014 Act come into force on 1st October 2014 subject to the transitional and saving provisions in article 11—

- (a) section 127(1) and (2)(c) (time off work to accompany to ante-natal appointments);
- (b) section 129(1) (so far as it relates to paragraphs (a) and (b) of new subsection (5), and new subsections (6) and (7)), (2) and (3) (right not to be subject to detriment: agency workers); and
- (c) section 130 (time off work for ante-natal care: increased amount of award).

Provisions coming into force on 1st December 2014

5.—(1) Section 126(1) (further amendments) (in so far as it relates to the provisions listed in paragraph (2) in this article) comes into force on 1st December 2014.

(2) The following provisions of Schedule 7 to the 2014 Act come into force on 1st December 2014 subject to the transitional and saving provisions in article 12—

- (a) paragraph 2(3)(a) and (5) (so far as it relates to new sub-paragraph (7B));
- (b) paragraph 3(1), (2), and (3) (so far as it relates to new sub-paragraph (8));
- (c) paragraph 4;
- (d) paragraph 5(1), (2)(b), (3)(b), (4)(b), and (5)(b);
- (e) paragraph 6;

- (f) paragraph 7(b);
- (g) paragraph 8(b) and (c);
- (h) paragraph 25(b);
- (i) paragraph 27(b);
- (j) paragraph 28(1), (2)(c), and (3)(b);
- (k) paragraph 30(b);
- (l) paragraph 37(1), (2)(a), and (3)(b);
- (m) paragraph 38(1), (2)(a), and (3)(b);
- (n) paragraph 40;
- (o) paragraph 44;
- (p) paragraph 45(1), (2)(b), (c), (e), and (g), and (3)(b);
- (q) paragraph 46(b);
- (r) paragraph 49;
- (s) paragraph 54(b);
- (t) paragraph 55(1), (3) and (5);
- (u) paragraph 56(b);
- (v) paragraph 57(1), (2)(b), and (3)(b);
- (w) paragraph 58(c) and (d);
- (x) paragraph 60(1), (2)(c), and (3)(c);
- (y) paragraph 61;
- (z) paragraph 62(1), (4), and (5)(c);
- (aa) paragraph 63;
- (bb) paragraph 64(1) and (4);
- (cc) paragraphs 69 to 72; and
- (dd) paragraph 74(b).

Provisions coming into force on 5th April 2015

6. The following provisions of Parts 7 and 8 of the 2014 Act come into force on 5th April 2015 subject to the transitional and saving provisions in articles 13 to 15—

- (a) section 124 (rate of adoption pay);
- (b) section 125 (abolition of additional paternity leave and additional statutory paternity pay);
- (c) section 126(1) (in so far as it relates to the provisions listed in article 7), (2) to (4) (further amendments);
- (d) section 128(1) and (2)(d) and (e) (time off to attend adoption appointments); and
- (e) section 129(1) (so far as it relates to paragraphs (c) and (d) of new subsection (5)) (right not to be subject to detriment: agency workers).

7. The following provisions of Schedule 7 to the 2014 Act come into force on 5th April 2015 subject to the transitional and saving provisions in articles 16, 17, and 19—

- (a) paragraph 2(2), (3)(b) and (c), (5) (so far as it relates to new sub-paragraph (7A)), and (6);
- (b) paragraph 3(3) (so far as it relates to new sub-paragraph (7));
- (c) paragraph 5(2)(a), (3)(a), (4)(a), and (5)(a);
- (d) paragraph 7(a);
- (e) paragraph 8(a);
- (f) paragraph 9(a);

- (g) paragraphs 10 to 22;
- (h) paragraph 24(a);
- (i) paragraph 25(a);
- (j) paragraph 26;
- (k) paragraph 27(a);
- (l) paragraph 28(2)(a) and (b), and (3)(a);
- (m) paragraph 30(a);
- (n) paragraph 31(b);
- (o) paragraphs 32 and 33;
- (p) paragraph 34(2), (3)(a) and (b), (4), (5)(a), (b), and (d), (6), and (7);
- (q) paragraphs 35 and 36;
- (r) paragraph 37(2)(b) and (3)(a);
- (s) paragraph 38(2)(b) and (3)(a);
- (t) paragraph 39(b);
- (u) paragraph 42(a);
- (v) paragraph 43;
- (w) paragraph 45(2)(a), (d), and (f), and (3)(a);
- (x) paragraph 46(a);
- (y) paragraph 47(2)(a) and (3)(a);
- (z) paragraph 51(2)(a), (3)(a)(i) and (b)(i), and (4)(a);
- (aa) paragraph 52(2)(a), and (3)(a)(i), (b)(i), and (c)(i);
- (bb) paragraph 53(2)(a) and (3)(a);
- (cc) paragraph 54(a);
- (dd) paragraph 55(2), (4), and (6);
- (ee) paragraph 56(a);
- (ff) paragraph 57(2)(a) and (3)(a);
- (gg) paragraph 58(a) and (b);
- (hh) paragraph 59(a);
- (ii) paragraph 60(2)(a) and (b), and (3)(a) and (b);
- (jj) paragraph 62(2), (3), and (5)(a) and (b);
- (kk) paragraph 64(2) and (3);
- (ll) paragraphs 65 to 67;
- (mm) paragraph 68 (so far as it relates to paragraphs 1(4), 11, 17, 19, 22 and 38(3) of Schedule 1 to the Work and Families Act 2006);
- (nn) paragraph 73(4);
- (oo) paragraph 74(a); and
- (pp) paragraph 75.

Provisions coming into force on the date that corresponding Northern Ireland legislation comes into force

8. Section 126(1) (further amendments) (in so far as it relates to the provisions listed in paragraphs (a) to (e) in this article) and the following provisions of Schedule 7 to the 2014 Act come into force on the day on which Northern Ireland legislation containing provision corresponding to Part 12ZC of the 1992 Act comes into force, subject to the transitional and saving provisions in article 18—

- (a) paragraph 5(6);
- (b) paragraph 48(2);
- (c) paragraph 59;
- (d) paragraph 60(4); and
- (e) paragraph 68 (so far as it relates to paragraphs 49 and 57(b) of Schedule 1 to the Work and Families Act 2006).

Transitional provisions for provisions coming into force on 30th June 2014

9.—(1) The amendments made by the provisions of the 2014 Act listed in paragraph (2) do not have effect in relation to—

- (a) children whose expected week of birth ends on or before 4th April 2015;
- (b) children placed for adoption on or before 4th April 2015.

(2) The relevant provisions are—

- (a) section 123(1) and (2) (statutory paternity pay: notice requirement);
- (b) paragraph 51(4)(c) of Schedule 7; and
- (c) paragraph 73(1), (2), and (3) of Schedule 7.

10. The amendments made by sections 131 to 133 (right to request flexible working) of the 2014 Act do not have effect in relation to any application for a change in terms and conditions which is made on or before 29th June 2014.

Transitional provision for provisions coming into force on 1st October 2014

11. The amendments made by section 130 (time off work for ante-natal care: increased amount of award) of the 2014 Act have effect only in relation to any refusal to permit time off which is made on or after 1st October 2014.

Transitional provisions for provisions coming into force on 1st December 2014

12. The amendments made by paragraphs 40 and 53(3) and (5) in Schedule 7 to the 2014 Act do not have effect in relation to—

- (a) children whose expected week of birth ends on or before 4th April 2015;
- (b) children placed for adoption on or before 4th April 2015.

Transitional and saving provisions for provisions coming into force on 5th April 2015

13.—(1) The amendments made by section 124(1) (rate of adoption pay) of the 2014 Act have effect only in relation to any adoption pay period which begins on or after 5th April 2015.

(2) In this article “adoption pay period” has the meaning given in section 171ZN(2) of the 1992 Act(a).

14. The repeals made by section 125 (abolition of additional paternity leave and additional statutory paternity pay) of the 2014 Act do not have effect in relation to—

- (a) children whose expected week of birth ends on or before 4th April 2015;
- (b) children placed for adoption on or before 4th April 2015.

15. Section 126(2) to (4) (further amendments) of the 2014 Act does not have effect in relation to—

(a) 1992 c. 4; section 171ZN was inserted by the Employment Act 2002 (c. 22) and amended by the Work and Families Act 2006 (c. 18). There are other amending instruments but none is relevant.

- (a) children whose expected week of birth ends on or before 4th April 2015;
- (b) children placed for adoption on or before 4th April 2015.

16. The amendments and repeals made by the provisions of Schedule 7 to the Act listed in article 7 do not have effect in relation to—

- (a) children whose expected week of birth ends on or before 4th April 2015;
- (b) children placed for adoption on or before 4th April 2015.

Transitional and saving provisions applicable where Northern Ireland legislation contains provision on additional statutory paternity pay

17.—(1) The amendments made by paragraph 5(2)(a), (3)(a), (4)(a), and (5)(a) of Schedule 7 to the 2014 Act have effect subject to the transitional and saving provisions in paragraph (2).

(2) While Northern Ireland legislation contains provision corresponding to the provision in Part 12ZA of the 1992 Act about additional statutory paternity pay as it had effect before the coming into force of section 125(2) of the 2014 Act (abolition of additional statutory paternity pay)—

- (a) the reference in section 182(11A) of the Finance Act 1989(a) to Part 12ZA of the 1992 Act is to be treated as a reference to that Part as it had effect before the coming into force of section 125(2) of the 2014 Act, and
- (b) the references in section 182 of the Finance Act 1989 to “statutory paternity pay” are to be treated as references to “ordinary statutory paternity pay” and “additional statutory paternity pay” and those terms must be construed in accordance with any Northern Ireland legislation which corresponds to Part 12ZA of the 1992 Act, as that Part had effect before the coming into force of section 125(2) of the 2014 Act.

18. The amendments made by paragraphs 5(6), 59, and 60(4) of Schedule 7 to the 2014 do not have effect in relation to—

- (a) children whose expected week of birth ends on or before 4th April 2015;
- (b) children placed for adoption on or before 4th April 2015.

19.—(1) The amendments made by the provisions of Schedule 7 to the 2014 Act listed in paragraph (2) have effect subject to the transitional and saving provision in paragraph (3).

(2) The relevant provisions are—

- (a) paragraph 56(a);
- (b) paragraph 57(2)(a) and (3)(a);
- (c) paragraph 58(a) and (b);
- (d) paragraph 60(2)(a) and (b); and
- (e) paragraph 64(2) and (3).

(3) While Northern Ireland legislation contains provision corresponding to the provision in Part 12ZA of the 1992 Act about additional statutory paternity pay as it had effect before the coming into force of section 125(2) of the 2014 Act (abolition of additional statutory paternity pay) the references in sections 13 to 15 of the Employment Act 2002(b), section 323(1) of the Proceeds of Crime Act 2002(c), and paragraphs 26 and 26A of Schedule 1 to the Commissioners for Revenue Act 2005(d) to “statutory paternity pay” are to be treated as references to “ordinary statutory paternity pay” and “additional statutory paternity pay” and those terms must be construed in

(a) 1989 c. 26. Subsection (11A) was inserted by the Employment Act 2002 (c. 22), Schedule 7, paragraph 1(3), and amended by the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 2(e).

(b) 2002 c. 22. Sections 13, 14 and 15 were amended by the Work and Families Act 2006, Schedule 1, paragraphs 55, 56, and 57, respectively; there are other amending instruments but none is relevant.

(c) 2002 c. 29. Subsection (1) was amended by the Work and Families Act 2006, Schedule 1, paragraph 59(2).

(d) 2005 c. 11. Paragraph 26 was substituted, and paragraph 26A was inserted, by the Work and Families Act 2006, Schedule 1, paragraph 61.

accordance with any Northern Ireland legislation which corresponds to Part 12ZA of the 1992 Act, as that Part had effect before the coming into force of section 125(2) of the 2014 Act.

Jenny Willott

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
26th June 2014
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order under the Children and Families Act 2014 (c. 6) (“the 2014 Act”). Certain provisions came into force on the passing of the 2014 Act. Provisions commenced by previous Commencement Orders are noted below.

Article 3 commences certain sections in Parts 7 and 8 and certain paragraphs in Schedule 7 on 30th June 2014; these provisions are commenced for the purposes of making regulations. In addition, article 3 commences sections 131 to 134 (right to request flexible working) on 30th June 2014, which is also the date that the Flexible Working Regulations 2014 (S.I. 2014/1398) come into force.

Article 4 commences certain sections in Part 8 (time off work: ante-natal care etc.) on 1st October 2014.

Article 5 commences certain paragraphs in Schedule 7.

Article 6 commences certain sections in Parts 7 and 8 on 5th April 2015 and article 7 commences certain paragraphs of Schedule 7 on the same date.

Article 8 provides that certain paragraphs in Schedule 7 commence on the date on which Northern Ireland brings into force legislation equivalent to the statutory shared parental pay provisions in Part 12ZC of the Social Security Contributions and Benefits Act 1992.

Article 9 to 19 sets out the transitional and saving provisions which apply to the commencement provided for in articles 3 to 8.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	25th July 2014	2014/889
Sections 2 and 3	25th July 2014	2014/889
Section 4	13th May 2014	2014/889
Section 6	25th July 2014	2014/889
Section 7	13th May 2014	2014/889
Section 8	25th July 2014	2014/889
Section 9	22nd April 2014	2014/889
Section 10	22nd April 2014	2014/793
Section 12	22nd April 2014	2014/889
Section 13	22nd April 2014	2014/793
Section 14	22nd April 2014	2014/889
Section 15(1) and (3)	22nd April 2014	2014/889
Section 16	22nd April 2014	2014/889
Section 17	22nd April 2014	2014/793
Part 3 (to the extent that it is not already in	1st September 2014	2014/889

force, save for the provisions listed in article 7(a) of S.I. 2014/889)

Sections 30 and 31 (partially)	1st April 2014	2014/889
Section 34 (partially)	1st April 2014	2014/889
Section 36 and 37 (partially)	1st April 2014	2014/889
Section 41 (partially)	1st April 2014	2014/889
Sections 44 to 47 (partially)	1st April 2014	2014/889
Section 49 (partially)	1st April 2014	2014/889
Sections 51 and 52 (partially)	1st April 2014	2014/889
Section 56 (partially)	1st April 2014	2014/889
Section 67 (partially)	1st April 2014	2014/889
Section 69 (partially)	1st April 2014	2014/889
Section 78	1st May 2014	2014/889(a)
Section 80 (partially)	1st April 2014	2014/889
Section 84 (partially)	1st April 2014	2014/889
Section 84 (to the extent that it is not already in force)	1st September 2014	2014/889
Sections 85 to 89	13th May 2014	2014/889
Sections 98 and 99	13th May 2014	2014/889
Section 100	1st September 2014	2014/889
Section 106	1st September 2014	2014/889
Schedule 1	13th May 2014	2014/889
Schedule 2	22nd April 2014	2014/889
Schedule 4 (partially)	1st April 2014	2014/889
Schedule 4 (to the extent that it is not already in force)	1st September 2014	2014/889

© Crown copyright 2014

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

(a) S.I. 2014/889 was amended by S.I. 2014/1134.

£6.00

UK2014062625 07/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/1640>

ISBN 978-0-11-111719-4



9 780111 117194