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STATUTORY INSTRUMENTS

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**1993 No. 2503 (C.52)**

**TRADE UNIONS  
TERMS AND CONDITIONS OF EMPLOYMENT**

The Trade Union Reform and Employment Rights Act 1993  
(Commencement No. 2 and Transitional Provisions) Order 1993

Made - - - - 15th October 1993

The Secretary of State, in exercise of the powers conferred on him by section 52 of, and paragraph 1 of Schedule 9 to, the Trade Union Reform and Employment Rights Act 1993(1), hereby makes the following Order:—

**Citation and interpretation**

1.—(1) This Order may be cited as the Trade Union Reform and Employment Rights Act 1993 (Commencement No. 2 and Transitional Provisions) Order 1993.

(2) In this Order—

- (i) “the 1978 Act” means the Employment Protection (Consolidation) Act 1978(2), and
- (ii) “the 1993 Act” means the Trade Union Reform and Employment Rights Act 1993.

**Commencement**

2.—(1) The provisions of the 1993 Act which are specified in Schedule 1 to this Order shall come into force forthwith.

(2) The provisions of the 1993 Act which are specified in Schedule 2 to this Order shall come into force on 30th November 1993.

(3) The provisions of the 1993 Act which are specified in Schedule 3 to this Order shall come into force:—

- (a) in relation to England and Scotland, on 1st April 1994, and
- (b) for all other purposes, on 1st April 1995.

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(1) 1993 c. 19.  
(2) 1978 c. 44.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Transitional provisions**

3. The amendments of the 1978 Act made by section 36 of the 1993 Act (constitution of industrial tribunals) shall only apply in relation to cases in which the date of the hearing of the originating application is first fixed on or after 30th November 1993.

Signed by order of the Secretary of State.

15th October 1993

*Michael Forsyth*  
Minister of State,  
Department of Employment

## SCHEDULE 1

Article 2(1)

## Provisions coming into force forthwith

<i>Provision</i>	<i>Subject matter of Provision</i>
Section 49(1), so far as it relates to the amendments effected by Schedule 7 specified below	Miscellaneous amendments
Section 49(2), so far as it relates to the amendments effected by Schedule 8 specified below	Consequential amendments
Section 51, so far as it relates to the repeal specified in relation to Schedule 10 below	Repeals
In Schedule 7, paragraph 7	Miscellaneous amendments
In Schedule 8, paragraphs 28(b) and (c) and 30	Consequential amendments
In Schedule 10, the repeal in paragraph 1A(2) (a) of Schedule 9 to the 1978 Act of the words “person or”	Repeals

## SCHEDULE 2

Article 2(2)

## Provisions coming into force on 30th November 1993

<i>Provision</i>	<i>Subject matter of Provision</i>
Section 26	Right to employment particulars
Section 27	Entitlement to itemised pay statement
Section 32	Right to declaration of invalidity of discriminatory terms and rules
Section 36, so far as it is not already in force	Constitution of industrial tribunals
Section 37	Constitution of Employment Appeal Tribunal
Section 42	Restriction of vexatious proceedings
Section 45, so far as it relates to the provisions to be substituted as section 10(7) of the Employment and Training Act 1973(3)	Careers services
Section 49(1), so far as it is not already in force, except as provided in relation to Schedule 7 below	Miscellaneous amendments
Section 49(2), so far as it relates to the amendments effected by Schedule 8 specified below	Consequential amendments
Section 50, so far as it is not already in force	Transitional provisions and savings

(3) 1973 c. 50.

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<i>Provision</i>	<i>Subject matter of Provision</i>
Section 51, so far as it relates to the repeals specified in relation to Schedule 10 in the table below	Repeals
Schedule 4	Provisions substituted for sections 1 to 6 of the 1978 Act
Schedule 7, so far as it is not already in force, except to the extent that paragraphs 3(b), 5 and 6(b) relate to section 60 of the 1978 Act	Miscellaneous amendments
In Schedule 8, paragraphs 10, 22, 23, 25(b), and 85	Consequential amendments
Schedule 9, so far as it is not already in force	Transitional provisions and savings
In Schedule 10, the repeals specified in the table below	Repeals

TABLE

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">1978 c. 44</a>	Employment Protection (Consolidation) Act 1978	<p>Section 11(3) and (7).</p> <p>In section 128(4) the words “paragraph 1 of”.</p> <p>In section 133(1)(c) the words “or claims”.</p> <p>In section 138, in subsection (1) the words “(so far as it relates to itemised pay statements)” and in subsection (2) the words “, subject to subsections (3) to (5),” so far as they relate to subsections (4) and (5).</p> <p>In section 139(1), the words “(so far as it relates to itemised pay statements)”.</p> <p>In section 146(4) the words “1, 4,”.</p> <p>In Schedule 9, paragraph 8.</p>
<a href="#">1982 c. 41</a>	Employment Act 1982	In Schedule 2, paragraphs 8(1) to (4) and 5(a).
<a href="#">1989 c. 13</a>	Dock Work Act 1989	Section 6(2)
<a href="#">1989 c. 38</a>	Employment Act 1989	Section 13

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<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In Schedule 6, paragraph 18.
1992 c. 52	Trade Union and Labour Relations (Consolidation) Act 1992	In section 277(2) the words “under those sections”.  In Schedule 2, paragraph 24(3).

## SCHEDULE 3

Article 2(3)

Provisions coming into force—

- (a) in relation to England and Scotland on 1st April 1994, and
- (b) for all other purposes, on 1st April 1995

<i>Provision</i>	<i>Subject matter of Provision</i>
Section 45, so far as it is not already in force	Careers services
Section 46	Careers services, ancillary services
Section 49(2), so far as it relates to the amendments effected by Schedule 8 specified below	Consequential amendments
Section 51, so far as it relates to the repeals specified in relation to Schedule 10 in the table below	Repeals
In Schedule 8, paragraphs 1, 3, 4, 5, 8, 9, 33 and 34	Consequential amendments
In Schedule 10, the repeals specified in the table below	Repeals

## TABLE

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1969 c. 32	Finance Act	In section 58(4) in the Table, the entries relating to a local education authority in England and Wales and an education authority in Scotland.
1970 c. 44	Chronically Sick and Disabled Persons Act 1970	Section 13(1)
1973 c. 50	Employment and Training Act 1973	In section 4(3)(e)(ii), the words “a local education authority.”.

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		In section 4(5)(d), the words “a local education authority or” and “by section 8 of this Act or, as the case may be,”.
1980 c. 44	Education (Scotland) Act 1980	Section 126 to 128.
1982 c. 9	Agricultural Training Board Act 1982	In section 4(1)(f), the words “or 8”.
1982 c. 10	Industrial Training Act 1982	In section 5(3)(e), the words “or 8”.

## EXPLANATORY NOTE

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

This Order brings into force provisions of the Trade Union Reform and Employment Rights Act 1993 as follows—

- (a) the provisions specified in Schedule 1 to the Order, which relate to the making of regulations concerning the rules of procedure before the Employment Appeal Tribunal and industrial tribunals, are to come into force forthwith,
- (b) the provisions specified in Schedule 2 to the Order are to come into force on 30th November 1993, and
- (c) the provisions specified in Schedule 3 to the Order are to come into force in relation to England and Scotland on 1st April 1994 and for all other purposes, on 1st April 1995.

Section 26 of and Schedule 4 to the 1993 Act (brought into force by Schedule 2 to this Order) implement Council Directive [91/533/EEC](#) (OJL 288 18/10/91 Page 32).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Trade Union Reform and Employment Rights Act 1993 were brought into force by the Trade Union Reform and Employment Rights Act 1993 (Commencement No. 1 and Transitional Provisions) Order 1993 (S.I.1993/1908):

<i>Provision</i>	<i>Date of commencement</i>
Part 1 (except sections 7, 8, 9 and 14) sections 24 (partially), 28, 29, 30, 33, 34, 35, 36 (partially), 38, 39, 40, 41, 43, 44, 47, 48, 49 (partially), 50 (partially) and 51 (partially) and	30th August 1993

<i>Provision</i>	<i>Date of commencement</i>
Schedules 1, 5, 6, 7 (partially), 8 (partially), 9 (partially) and 10 (partially)	
Sections 14, 49 (partially) and 51 (partially) and Schedules 8 (partially) and 10 (partially)	30th November 1993
Sections 8, 9, 49 (partially) and 51 (partially) and Schedules 8 (partially) and 10 (partially)	1st January 1994
Sections 7(2) and (3) and 51 (partially) and Schedule 10 (partially)	1st April 1996

Section 7(1) will come into force on 1st April 1996 under the provisions of section 7(4).