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## EXPLANATORY NOTE

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

This is the fifth Commencement Order made under the Enterprise and Regulatory Reform Act 2013 (c. 24) (“the Act”). Certain provisions came into force on the passing of the Act. Provisions commenced by previous Commencement Orders are noted below.

This Order commences certain provisions of the Act on 6th March 2014 and 6th April 2014.

Article 2 commences the provisions enabling Employment Tribunal regulations to be made relating to early conciliation of employment disputes.

Article 3(a) to (d), (f) and (g) commence provisions on early conciliation of employment disputes.

Article 3(e) and (h) commence provisions on financial penalties in the Employment Tribunals.

There are two elements to the transitional provisions on early conciliation in article 4. The early conciliation requirement in section 18A(1) of the Employment Tribunals Act 1996 will apply only in relation claims presented to an Employment Tribunal on or after 6th May 2014. However, if in the period beginning on 6th April 2014 and ending on 5th May 2014 individuals contact Acas for conciliation and present a claim, they will need a certificate from ACAS when they present the claim and will benefit from the changes to limitation periods made by Schedule 2 to the Enterprise and Regulatory Reform Act 2013.

The saving provisions in article 5 have the effect of preserving ACAS’ duties and powers for the purposes of particular proceedings or potential proceedings where they have been triggered under section 18(2) or (3) of the Employment Tribunals Act 1996 prior to the 6th April 2014. This means that any pre-claim or post-claim conciliation that ACAS has started before 6th April 2014 can continue. The new duty on ACAS under section 18A(3) of the Employment Tribunals Act 1996 to provide early conciliation applies from 6th April 2014, so any new requests for conciliation will be treated as early conciliation.