
STATUTORY INSTRUMENTS

2014 No. 853

TERMS AND CONDITIONS OF EMPLOYMENT

The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Employment) (No. 2) Order 2014

<i>Made</i>	- - - -	<i>27th March 2014</i>
<i>Laid before Parliament</i>		<i>28th March 2014</i>
<i>Coming into force</i>	- -	<i>20th April 2014</i>

The Secretary of State, in exercise of the powers conferred by section 99(1) and (2) of the Enterprise and Regulatory Reform Act 2013⁽¹⁾, makes the following Order.

Citation and commencement

1. This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Employment) (No. 2) Order 2014 and comes into force on 20th April 2014.

Consequential amendments

2. (1) The Transfer of Undertakings (Protection of Employment) Regulations 2006⁽²⁾ are amended as follows.

(2) In regulation 12, after paragraph (2) insert—

“(2A) Regulation 16A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2).”.

(3) In regulation 15, after paragraph (12) insert—

“(13) Regulation 16A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (12).”

(4) After regulation 16 insert—

“Extension of time limit to facilitate conciliation before institution of proceedings

16A. (1) This regulation applies where these Regulations provide for it to apply for the purposes of a provision in these Regulations (“a relevant provision”).

(2) In this regulation—

(1) 2013 c. 24.
(2) S.I. 2006/246.

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings)⁽³⁾ in relation to the matter in respect of which the proceedings are brought, and
 - (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.
- (3) In working out when the time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.
- (4) If the time limit set by a relevant provision would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.
- (5) Where an employment tribunal has power under these Regulations to extend the time limit set by a relevant provision, the power is exercisable in relation to that time limit as extended by this regulation.”.

Transitional provision

3. Regulation 2 has effect in any case where the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 on or after 20th April 2014.

27th March 2014

David Willetts
Minister of State for Universities and Science
Department for Business, Innovation and Skills

(3) Section 18A was inserted by the Enterprise and Regulatory Reform Act 2013, section 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Transfer of Undertakings (Protection of Employment) Regulations 2006 in consequence of sections 7 and 8 of the Enterprise and Regulatory Reform Act 2013 (c. 24), which introduce a process of early conciliation in employment disputes.

A regulatory impact assessment on the introduction of early conciliation is available and a copy can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.