



Statutory Document No. 213/07

THE EMPLOYMENT ACT 2006

THE EMPLOYMENT ACT 2006 (APPOINTED DAY) (AMENDMENT) ORDER 2007

In exercise of the powers conferred on the Department of Trade and Industry by sections 174(3) and 177(2) and (3) of, and paragraphs 15 to 18 of Schedule 7 to, the Employment Act 2006¹, and of all other enabling powers, the following Order is hereby made:—

1. Citation

This Order may be cited as the Employment Act 2006 (Appointed Day) (Amendment) Order 2007.

2. Amendment of principal Order

(1) The Employment Act 2006 (Appointed Day) Order 2007² is amended as follows.

(2) For article 3 substitute —

"3. Prescribed date

(1) 30th September 2007 is prescribed for the purpose of the following provisions of Schedule 7 to the Act (transitional provisions) —

- (a) paragraph 15(ii) (redundancy payments — husband and wife);
- (b) paragraph 16(2) (unfair dismissal — expiry of fixed-term contract);
- (c) paragraph 17 (employment rights — husband and wife).

(2) The following dates are prescribed for the purpose of paragraph 18 of the said Schedule 7 (redundancy and employment rights — part-time employees) —

- (b) 1st April 2007, in relation to Part III of the Employment Act 1991 (maternity);
- (a) 1st May 2007, in relation to sections 1 to 6 of that Act (written particulars of terms of employment);
- (c) 30th September 2007, in relation to —

¹ 2006 c.21

² SD 72/07

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- (i) section 1 of the Redundancy Payments Act 1990³ (right to redundancy payment); and
- (ii) sections 36 (minimum period of notice), section 37 (rights during period of notice), section 40 (written statement of reasons for dismissal) and Part V (unfair dismissal) of the Employment Act 1991."

(3) In Part 4 of Schedule 1 (provisions coming into force on 1st May 2007), for the item relating to section 176(3) and Schedule 9 substitute —

"Section 176(3) and Schedule 9 (repeals), in relation to the repeal of the following enactments —

- (a) in the Redundancy Payments Act 1990, sections 17 and 19;
- (b) in the Employment Act 1991 —
 - (i) sections 1 to 20;
 - (ii) sections 26 to 32;
 - (iii) Part VI (except section 66(1) and Part I of Schedule 3);
 - (iv) paragraphs 2, 6 and 7 of Schedule 5;
 - (v) paragraph 8 of Schedule 5 (so far as it relates to sections 1 to 6);
- (c) in the Employment (Amendment) Act 1996⁴, sections 1 to 7;
- (d) in the Employment (Sex Discrimination) Act 2000⁵, section 46 (in part)."

(4) In Schedule 2 (transitional provisions), for paragraph 2 substitute —

"2. (1) This paragraph applies to an employee who —

- (a) on 1st May 2007 is employed under a contract of employment which began before that date, but
- (b) before that date was not, by virtue of paragraph 8 of Schedule 5 to the Employment Act 1991 (employment under 16 hours weekly), entitled to a written statement under section 1 of that Act.

(2) The employee is not entitled to a written statement under sections 8 to 13 (written particulars of terms employment) of the Act in relation to that employment except —

- (a) upon any change in the terms of employment notified to the employee under section 10 on or after 1st May 2007; or
- (b) upon request in writing made on or after 1st May 2007 by the employee to the employer to provide the particulars required by those provisions within 14 days."

(5) In paragraph 19 of Schedule 2, omit sub-paragraph (2).

(6) After paragraph 19 of Schedule 2 insert —

"19A. (1) In this paragraph a "relevant week" is a week —

- (a) in which the employee was employed for less than 16 hours; and
- (b) during no part of which the employee's relations with the employer were governed by a contract of employment which normally involved employment for 16 hours or more weekly.

³ 1990 c.18

⁴ 1996 c.18

⁵ 2000 c.16

Employment Act 2006 (Appointed Day) (Amendment) Order 2007

(2) Subject to sub-paragraph (4), a relevant week ending before 1st May 2007 shall not be counted towards a period of employment, and shall be treated as breaking the continuity of a period of employment, for the purpose of sections 8 to 13 (written particulars of terms of employment) of the Act.

(3) Subject to sub-paragraph (4), a relevant week ending before 30th September 2007 shall not be counted towards a period of employment, and shall be treated as breaking the continuity of a period of employment, for the purpose of —

- (a) section 1 of the Redundancy Payments Act 1990; and
- (b) the following provisions of the Act —
 - (i) section 106 (minimum period of notice);
 - (ii) section 107 (rights during period of notice);
 - (iii) section 110 (written statement of reasons for dismissal); and
 - (iv) Part X (unfair dismissal).

(4) Sub-paragraphs (2) and (3) do not apply to a relevant week which would, under paragraph 4, 5 or 6 of Schedule 7 to the Employment Act 1991 (employment between 8 and 16 hours weekly), have counted towards a period of employment, or have been treated as not breaking the continuity of a period of employment, as the case may be, for the purpose of that Schedule."

MADE 5 March 2007

Secretary Muth.
Minister for Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Employment Act 2006 (Appointed Day) Order 2007, which brings the Employment Act 2006 into operation. It amends various provisions of the Order to make further provision for part-time employees.

