STATUTORY INSTRUMENTS

2004 No. 2356

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Code of Practice (Disciplinary and Grievance Procedures) Order 2004

Made - - - - 3rd September 2004

Whereas –

(1) under section 199(4) of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**) ("the 1992 Act") the Advisory, Conciliation and Arbitration Service ("ACAS") may from time to time revise the whole or any part of a Code of Practice issued by it;

(2) in pursuance of section 199(4) of the 1992 Act ACAS proposed to revise the whole of the Code of Practice on Disciplinary and Grievance Procedures which came into effect on 4th September 2000(**b**);

(3) in pursuance of section 200(1) of the 1992 Act ACAS prepared and published in draft a revised Code of Practice on Disciplinary and Grievance Procedures ("the draft Code") and considered any representation made to it about the draft Code;

(4) in pursuance of section 200(2) of the 1992 Act ACAS transmitted the draft Code to the Secretary of State;

(5) in pursuance of section 200(2)(a) of the 1992 Act, the Secretary of State laid the draft Code before both Houses of Parliament, and 40 days have elapsed, beginning on the day on which the draft Code was laid before Parliament;

(6) in pursuance of section 200(4) of the 1992 Act, neither House having resolved that no further proceedings should be taken on the draft Code, ACAS is issuing the Code of Practice on Disciplinary and Grievance Procedures in the form of the draft Code;

Now, therefore, the Secretary of State, in exercise of the power conferred on her by section 200(5) of the 1992 Act, hereby makes the following Order:—

Citation

1. This Order may be cited as the Employment Code of Practice (Disciplinary and Grievance Procedures) Order 2004.

(**a**) 1992 c. 52.

(**b**) The Code of Practice on Disciplinary and Grievance Procedures was brought into effect by the Employment Code of Practice (Disciplinary and Grievance Procedures) Order 2000 (S.I. 2000/2247) on 4th September 2000. That revision revised the Code of Practice on Disciplinary Practice and Procedures in Employment which had been brought into effect by the Employment Protection Code of Practice (Disciplinary Practice and Procedures) Order 1998 (S.I. 1998/44) on 5th February 1998.

Appointed day for the Code of Practice

2. The day appointed by the Secretary of State under section 200(5) of the Trade Union and Labour Relations (Consolidation) Act 1992 for the coming into effect of the Code of Practice on Disciplinary and Grievance Procedures (the draft of which was laid before both Houses of Parliament on 17 June 2004) issued by the Advisory, Conciliation and Arbitration Service pursuant to that section is 1st October 2004.

Gerry Sutcliffe
Parliamentary Under Secretary of State
3rd September 2004 Employment Relations, Competition and Consumers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st October 2004 as the day upon which the Code of Practice on Disciplinary and Grievance Procedures which is being issued by the Advisory, Conciliation and Arbitration Service under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 will come into effect. The Code of Practice takes account of the Employment Act 2002 (Dispute Resolution) Regulations 2004 (S.I. 2004/752) which also come into force on 1st October 2004.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on business, charities or voluntary bodies.

The Code of Practice replaces the Code of Practice on Disciplinary and Grievance Procedures which came into effect on 4th September 2000.

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