STATUTORY INSTRUMENTS

1975 No. 1938 (C. 55)

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Protection Act 1975 (Commencement No. 1) Order 1975

Made - - - 25th November 1975

The Secretary of State, in exercise of the powers conferred on him by section 129 of the Employment Protection Act 1975 (**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation

1.—This Order may be cited as the Employment Protection Act 1975 (Commencement No. 1) Order 1975.

Commencement

2.—The provisions of the Employment Protection Act 1975 specified in the Schedules hereto shall come into operation:—

(*a*) in the case of the provisions mentioned in Schedule 1, on 1st January 1976,

(*b*) in the case of the provisions mentioned in Schedule 2, on 1st February 1976,

(*c*) in the case of the provisions mentioned in Schedule 3, on 1st March 1976.

Transitional provisions

3.—(1) The repeal of the Conciliation Act 1896 (**b**) or any repeal of the Industrial Courts Act 1919 (**c**) brought into operation by this Order shall not affect the validity of anything done before the coming into operation of this Order by or in relation to the Secretary of State in pursuance of any of the repealed provisions of those Acts; and anything which at the time of the said coming into operation is in the process of being done by or in relation to or on the reference of the Secretary of State, shall be treated as if done and be continued by or in relation to or on the reference of the Advisory, Conciliation and Arbitration Service, and in the case of a reference to a person or persons to whom any matter has been referred by the Secretary of State in pursuance of any of the repealed provisions of those Acts, that person or those persons shall be deemed to be a person or persons appointed under section 2 or 3 of the Employment Protection Act 1975, as appropriate.

(2) Any matter which immediately before the commencement of section 10(2) of the said 1975 Act stood referred to the Industrial Arbitration Board under any enactment, statutory instrument or other document shall be treated as if it had been referred to the Central Arbitration Committee.

(**a**) 1975 c. 71.
(**b**) 1896 c. 30.
(**c**) 1919 c. 69.

(3) This Order shall not affect the validity of anything done before the date of the coming into operation of the provisions mentioned in Schedule 3 hereto for the purposes of any of the relevant statutory provisions within the meaning of the Health and Safety at Work etc. Act 1974 (a); and anything which at that date is in process of being done for the said purposes (including in particular any legal proceedings) by or in relation to an inspector appointed by the Minister of Agriculture, Fisheries and Food or the Secretary of State under section 19 of that Act may be continued by or in relation to an inspector appointed by the Health and Safety Executive under that section.

(4) Agricultural health and safety regulations made under the said Act of 1974 and anything done or having effect under such regulations shall, if in force or of effect immediately before the date of the coming into operation of the provisions mentioned in Schedule 3 hereto, continue in force and have effect as if the said regulations were health and safety regulations within the meaning of that Act.

25th November 1975.

Michael Foot,
Secretary of State for Employment.

(a) 1974 c. 37.

Article 2

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 1ST JANUARY 1976

Provisions of the Act	*Subject matter of provisions*
Section 1	Advisory, Conciliation and Arbitration Service.
Section 2	Conciliation.
Section 3, except as far as it relates to the Central Arbitration Committee.	Arbitration.
Section 4	Advice.
Section 5	Inquiry.
Section 6	Codes of Practice.
Section 89	Amendments of Wages Councils Act 1959 (a).
Section 90	Conversion of wages councils to statutory joint industrial councils.
Section 91	Functions of statutory joint industrial councils.
Section 92, except as far as it relates to the Central Arbitration Committee.	Disputes between employers' and workers' representatives.
Section 93	Abolition of statutory joint industrial councils.
Section 94	Supplementary.
Section 95	Power to obtain information.
Section 96	Duty of the Service to report on machinery for regulating remuneration and terms and conditions of employment.
Section 97	Amendments of Agricultural Wages Acts (b).
Section 109	Power to confer jurisdiction on industrial tribunals in respect of damages, etc., for breach of contract of employment.
Section 112	Entitlement to unemployment benefit and recoupment of that benefit and supplementary benefit.
Section 114	Amendments of the Employment Agencies Act 1973 (c).
Section 115	Amendments of the Employment and Training Act 1973 (d).
Section 116, as far as it relates to paragraphs 2, 3 and 9 of Schedule 15.	Amendments of the Health and Safety at Work etc. Act 1974.

(a) 1959 c.69. (b) 1948 c. 47; 1949 c. 30. (c) 1973 c.35.
(d) 1973 c.50.

SCHEDULE 1 (*continued*)

Provisions of the Act	*Subject matter of provisions*
Section 118	Restrictions on contracting out.
Section 121	Application to the Crown.
Section 122	Application of employment legislation to parliamentary staff.
Section 123	Orders, rules and regulations.
Section 124(1), (2)(b), (5) and (6)	Financial provisions.
Section 125(1), as far as it relates to:— (a) in Part I of Schedule 16, paragraph 17; (b) in Part III of Schedule 16, paragraphs 5, 6, 7(2) and (5), 11, 18, 23, 25, 31, 32 and 33; and (c) in Part IV of Schedule 16, paragraphs 1, 6, 13(6), (10) and (11), 16, as far as it relates to the Council of the Advisory, Conciliation and Arbitration Service, the Employment Service Agency and the Training Services Agency, and 18(1) and (3), as far as it relates to paragraph 13(6), (10) and (11) above.	Minor and consequential amendments.
Section 125(2), as far as it relates to paragraphs 1, 2, 4, 11, 12, 14, 15, 18 and 19 of Schedule 17.	Transitional provisions.
Section 125(3), as far as it relates to the Conciliation Act 1896, the Agricultural Wages Act 1948, the Agricultural Wages (Scotland) Act 1949, the Public Records Act 1958(a), the Wages Councils Act 1959, the Equal Pay Act 1970(b), the Superannuation Act 1972(c), the Employment Agencies Act 1973, the Employment and Training Act 1973, section 2(5) of the Health and Safety at Work etc. Act 1974, section 8(10) of, paragraph 26(1) of Schedule 1 to, and paragraph 9(4), (6) and (7) of Schedule 3 to the Trade Union and Labour Relations Act 1974(d), Part III of Schedule 1 to the House of Commons Disqualification Act 1975(e) and Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(f) and the Sex Discrimination Act 1975(g).	Repeals.

(a) 1958 c.51. (b) 1970 c.41. (c) 1972 c.11. (d) 1974 c.52.
(e) 1975 c.24. (f) 1975 c.25. (g) 1975 c.65.

SCHEDULE 1 (*continued*)

Provisions of the Act	*Subject matter of provisions*
Section 126(1), as far as it relates to the definition of "associated employer", "collective agreement", "employee", "employer", "official", "trade dispute", "trade union", "worker", "collective bargaining", "the 1974 Act", "recognition" and "Service", (2), (8) and (9).	Interpretation.
Section 127	Power to extend employment legislation.
Section 129	Short title, commencement and extent.
Schedule 1, Parts I and III, as far as they relate to the Advisory, Conciliation and Arbitration Service and its Council.	Constitution etc. of the Advisory, Conciliation and Arbitration Service and provisions supplemental thereto.
Schedule 7	Amendments of Wages Councils Act 1959.
Schedule 8	Statutory joint industrial councils.
Schedule 9	Amendments of Agricultural Wages Act 1948.
Schedule 10	Amendments of Agricultural Wages (Scotland) Act 1949.
Schedule 13	Amendments of Employment Agencies Act 1973.
Schedule 14	Amendments of Employment and Training Act 1973.
Schedule 15, to the extent mentioned above in relation to section 116.	Amendments of Health and Safety at Work etc. Act 1974.
Schedule 16, to the extent mentioned above in relation to section 125(1).	Minor and consequential amendments.
Schedule 17, to the extent mentioned above in relation to section 125(2).	Transitional provisions.
Schedule 18, to the extent mentioned above in relation to section 125(3).	Repeals.

Article 2

SCHEDULE 2

PROVISIONS COMING INTO OPERATION ON 1ST FEBRUARY 1976

Provisions of the Act	*Subject matter of provisions*
Section 3, as far as it is not already in operation.	Arbitration.
Section 7	Certification Officer.
Section 8	Certification as independent trade union.
Section 9	Custody of documents.
Section 10	Central Arbitration Committee.
Section 11	Reference of recognition issue to Service.
Section 12	Inquiry and report on recognition issue.
Section 13	Application for variation or revocation of recommendation.
Section 14	Inquiries under sections 12 and 13.
Section 15	Complaint of failure to comply with recommendation.
Section 16	Application arising from failure to comply with recommendation.
Section 92, as far as it is not already in operation.	Disputes between employers' and workers' representatives.
Section 125(1), as far as it relates to:— (a) in Part III of Schedule 16, paragraphs 1, 2, 3, 4, 7(1) and (3), 12 and 35; and (b) in Part IV of Schedule 16, paragraphs 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, as far as it is not already in operation, 14, 15, 16, as far as it is not already in operation, 17 and 18(3), as far as it is not already in operation.	Minor and consequential amendments.
Section 125(2), as far as it relates to paragraphs 3, 5, 6, 9 and 10 of Schedule 17.	Transitional provisions.
Section 125(3), as far as it relates to the Trade Union Act 1913(a), the Industrial Courts Act 1919, the Road Haulage Wages Act 1938(b), the National Health Service (Amendment) Act 1949 (c), the Trade Union (Amalgamations, etc.) Act 1964(d), the Remuneration of Teachers Act 1965(e), the Remuneration of	Repeals.

(a) 2 & 3 Geo.5.c.30. (b) 1938 c.44. (c) 1949 c.93.
(d) 1964 c.24. (e) 1965 c.3.

SCHEDULE 2 (*continued*)

Provisions of the Act	*Subject matter of provisions*
Teachers (Scotland) Act 1967(a), the Transport Act 1968(b), the Consumer Credit Act 1974(c), sections 8(1), 8(8) and 30(1) of, and paragraphs 2(6), 3 and 10(4) and (6) and 15 of Schedule 3 to the Trade Union and Labour Relations Act 1974, Part II of Schedule 1 to the House of Commons Disqualification Act 1975, and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.	
Section 126(1), as far as it relates to the definition of "independent trade union", "independence", "independent", "successor", "union membership agreement" and "Committee" and (4).	Interpretation.
Section 128	Northern Ireland.
Schedule 1, as far as it is not already in operation.	Central Arbitration Committee and the Certification Officer.
Schedule 16, Part IV, to the extent mentioned above in relation to section 125(1).	Minor and consequential amendments.
Schedule 17, to the extent mentioned above in relation to section 125(2).	Transitional provisions.
Schedule 18, to the extent mentioned above in relation to section 125(3).	Repeals.

(a) 1967 c.35. (b) 1968 c.73. (c) 1974 c.39.

Article 2

SCHEDULE 3

PROVISIONS COMING INTO OPERATION ON 1ST MARCH 1976

Provisions of the Act	*Subject matter of provisions*
Section 116, as far as it is not already in operation.	Amendments of the Health and Safety at Work etc. Act 1974.
Section 125(3), the remaining provisions relating to the Health and Safety at Work etc. Act 1974.	Repeals.
Schedule 15, as far as it is not already in operation.	Amendments of the Health and Safety at Work etc. Act 1974.
Schedule 18, to the extent mentioned above in relation to section 125(3).	Repeals.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation on 1st January 1976 the provisions of the Employment Protection Act 1975 specified in Schedule 1. These provisions include:—

(*a*) those establishing and conferring functions on the Advisory, Conciliation and Arbitration Service;

(*b*) those relating to wages councils and agricultural wages boards; and

(*c*) those amending the Employment Agencies Act 1973, the Employment and Training Act 1973 and certain of those amending the Health and Safety at Work etc. Act 1974.

The Order brings into operation on 1st February 1976 the provisions of the Employment Protection Act 1975 specified in Schedule 2. These provisions include:—

(*a*) those relating to the Certification Officer;

(*b*) those relating to the Central Arbitration Committee; and

(*c*) those relating to the recognition of trade unions.

The Order also brings into operation on 1st March 1976 the remaining provisions amending the Health and Safety at Work etc. Act 1974.

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