

EMPLOYMENT BILL [HL]

EXPLANATORY NOTES ON COMMONS AMENDMENTS

INTRODUCTION

1. These explanatory notes relate to the Commons Amendments to the Employment Bill [HL], as brought from the House of Commons on 5th November 2008. They have been prepared by the Department for Business, Enterprise and Regulatory Reform in order to assist the reader of the Bill and the Commons Amendments and to help inform debate on the Commons Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Commons Amendments themselves, refer to Bill 117, the Bill as first printed for the Commons.
3. These notes need to be read in conjunction with the Commons Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Commons Amendments.
4. All the Commons Amendments were in the name of the Minister.

COMMENTARY ON COMMONS AMENDMENTS

Commons Amendment 1

5. Commons Amendment 1 would make a consequential amendment to reflect changes made by the Cross-border Railway Services (Working Time) Regulations 2008 (SI 2008/1660) which came into force on 27th July 2008. Clause 3 allows employment tribunals to increase or decrease an award in respect of jurisdictions set out in Schedule A2 to be inserted into the Trade Union and Labour Relations (Consolidation) Act 1992, which replicates the jurisdictions listed in Schedule 3 to the Employment Act 2002. SI 2008/1660

adds an additional jurisdiction to Schedule 3 to the Employment Act 2002 and Commons Amendment 1 would add this to Schedule A2 as a jurisdiction to which the new adjustment provisions in new section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 inserted by clause 3(2) will also apply.

Commons Amendment 2

6. Commons Amendment 2 would amend section 15 of the National Minimum Wage Act 1998 and section 9 of the Employment Agencies Act 1973 to enable officers appointed under these Acts to share information for the purpose of their respective enforcement functions.

Commons Amendment 3

7. Clause 21(1)(e) provides that the provisions on employment agencies will come into force on 1st October 2008 or, if Royal Assent is later than that date, on 6th April 2009. As the earlier date has passed, Commons Amendment 3 would remove the reference to 1st October 2008.

Commons Amendment 4

8. Commons Amendment 4 would provide for the information-sharing gateway in Commons Amendment 2 to come into force by order.

Commons Amendment 5

9. Commons Amendment 5 would remove the privilege amendment inserted by the House of Lords.

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EXPLANATORY NOTES

ON COMMONS AMENDMENTS

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as brought from the House of Commons on 5th November 2008
[HL Bill 92]*

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