



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Extension of employment protection legislation

^{F1}137

Textual Amendments

F1 S. 137 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

Crown employment

138 Application of Act to Crown employment.

^{F2}(1)

^{F2}(2)

^{F2}(3)

^{F2}(4)

^{F2}(5)

^{F2}(6)

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)*

- (7) For the purposes of the application of the provisions of this Act in relation to Crown employment in accordance with subsection (1)—
 - F2(a)
 - F2(b)
 - F2(c)
 - F2(d)
 - F3(e)
 - F2(f)
- F2(8)

Textual Amendments

F2 S. 138(1)-(6)(7)(a)-(d)(f)(8)repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F3 S. 138(7)(e) repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

[F4]138A Application of Act to armed forces.

- (1) The provisions of this Act which apply, by virtue of section 138, to service as a member of the naval, military or air forces of the Crown are—
 - Part I;
 - in Part II, sections 19 to 22 and 31A;
 - Part III;
 - in Part IV, section 53;
 - Part V, except sections 57A [F557AA,] and 80;
 - Part VIII; and
 - this Part.
- (2) Her Majesty may, by Order in Council,—
 - (a) amend subsection (1) above by making additions to, or omissions from, the provisions for the time being specified in that subsection by an Order under this subsection; and
 - (b) make any provision apply to service as a member of the naval, military or air forces of the Crown subject to such exceptions and modifications as may be specified in the Order.
- (3) Subject to subsection (5) below, modifications made under subsection (2) above may include provision precluding the making of a complaint or reference to any [F6employment tribunal] unless the person aggrieved has availed himself of the service procedures for the redress of complaints applicable to him.
- (4) Where modifications include the provision authorised by subsection (3) above the Order in Council shall also include provision designed to secure that the service procedures for the redress of complaints result in a determination, or what is to be treated under the Order as a determination, in sufficient time to enable a complaint or reference to be made to an [F6employment tribunal].

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)

- (5) No provision shall be made by virtue of subsection (3) above which has the effect of substituting, for any period specified as the normal period for a complaint or reference on any matter to an [^{F6}employment tribunal], a period longer than six months.
- (6) No recommendation shall be made to Her Majesty to make an Order in Council under subsection (2) above unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (7) In this section—

“the normal period for a complaint or reference”, in relation to any matter within the jurisdiction of an [^{F6}employment tribunal], means the period specified in the relevant enactment as the period within which the complaint or reference must be made, disregarding any provision permitting an extension of that period at the discretion of the tribunal; and

“the service procedures for the redress of complaints” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in sections 180 and 181 of the ^{M1}Army Act 1955, sections 180 and 181 of the ^{M2}Air Force Act 1955 and section 130 of the ^{M3}Naval Discipline Act 1957.]

Textual Amendments

- F4** S. 138A inserted (10.6.1994) by 1993 c. 19, s. 31(2); S.I. 1994/1365, art. 2, Sch.
F5 Words in s. 138A(1) inserted (26.10.1995) by S.I. 1995/2587, reg. 14(5)
F6 Words in s. 138A(3)-(5)(7) substituted (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, Sch. 1

Marginal Citations

- M1** 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.

House of Commons staff

139 Provisions as to House of Commons staff.

- (1) The provisions of Parts I ^{F7}. . . , II, III^{F8}, V and VIII, and this Part and section 53 shall apply to relevant members of House of Commons staff as they apply to persons in Crown employment within the meaning of section 138 and accordingly for the purposes of the application of those provisions in relation to any such members—
- ^{F9}(a)
^{F9}(b)
^{F9}(c)
^{F10}(d)
^{F9}(e)
- ^{F9}(2)
^{F9}(3)
^{F9}(4)

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)*

- F⁹(5)
- F⁹(6)
- F⁹(7)
- F⁹(8)
- F⁹(9)

Textual Amendments

- F7** Words in s. 139(1) repealed (30.11.1993) by 1993 c. 19, ss. 49(1), 51, Sch. 7 para. 4, **Sch. 10**; S.I. 1993/2503, art. 2(2), **Sch. 2**
- F8** Words repealed by **Social Security Act 1986** (c. 50, SIF 113:1), s. 86(2), **Sch. 11**
- F9** S. 139(1)(a)-(c)(e)(2)-(9) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment to s. 139(2)(6) (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**
- F10** S. 139(1)(d) repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

Modifications etc. (not altering text)

- C1** S. 139 modified (2.12.1996) by 1995 c. 50, s. 65(2) (with ss. 59, 64); S.I. 1996/1474, art. 2(3), **Sch. Pt. III** (with art. 3)

[^{F11} House of Lords staff

Textual Amendments

- F11** S. 139A and cross heading inserted (30.11.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para.11**; S.I. 1993/2503, art. 2(2), **Sch.2**

139A ^{F12}**Provisions as to House of Lords staff.**

F¹³(1)

F¹³(2)

(3) For the purposes of the application of the enactments applied by subsection (1) in relation to a relevant member of the House of Lords staff—

F¹⁴(a)

F¹³(b)

F¹³(4)

F¹³(5)

F¹³(6)]

Textual Amendments

- F12** S. 139A inserted (30.11.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 11**; S.I. 1993/2503, art. 2(2), **Sch. 2**

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)*

- F13** S. 139A(1)(2)(3)(b)(4)-(6) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment to s. 139A(2) (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**
- F14** S. 139A(3)(a) repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

Contracting out of provisions of Act

F15 **140**

Textual Amendments

- F15** S. 140 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

Excluded classes of employment

F16 **141**

Textual Amendments

- F16** S. 141 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F17 **142**

Textual Amendments

- F17** S. 142 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F18 **143**

Textual Amendments

- F18** S. 143 repealed by **Employment Act 1982** (c. 46, SIF 43:5), **Sch. 4**

F19 **144**

Textual Amendments

- F19** S. 144 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

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Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)*

F20 **145**

Textual Amendments

F20 S. 145 repealed by Dock Work Act 1989 (c. 13, SIF 43:5), s. 7(1), **Sch. 1 Pt. I**

F21 **146**

Textual Amendments

F21 S. 146 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F22 **146A**.....

Textual Amendments

F22 S. 146A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F23 **147**

Textual Amendments

F23 S. 147 repealed by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 4**

Supplementary provisions

F24 **148**

Textual Amendments

F24 S. 148 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F25 **149**

Textual Amendments

F25 S. 149 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F26 **150**

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)*

Textual Amendments

F26 S. 150 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F27 **151**

Textual Amendments

F27 S. 151 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F28 **152**

Textual Amendments

F28 S. 152 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F29 **153**

Textual Amendments

F29 S. 153 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F30 **154**

Textual Amendments

F30 S. 154 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F31 **155**

Textual Amendments

F31 S. 155 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F32 **156**

Textual Amendments

F32 S. 156 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part IX. (See end of Document for details)*

F33 **157**

Textual Amendments

F33 S. 157 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F34 **158**

Textual Amendments

F34 S. 158 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F35 **159**

Textual Amendments

F35 S. 159 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F36 **160**

Textual Amendments

F36 S. 160 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part IX.