



Employment Protection (Consolidation) Act 1978

CHAPTER 44

EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978

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

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SCHEDULE 2 —

Part I — UNFAIR DISMISSAL

Introductory

1 References in this Part to provisions of this Act relating...

Adaptation of unfair dismissal provisions

- 2 (1) Section 57 shall have effect as if for subsection...
Part II — REDUNDANCY PAYMENTS

Introductory

- 3 References in this Part to provisions of this Act relating...

Adaptation of redundancy payments provisions

- 4 (1) References in Part VI of this Act shall be...

Prior redundancy

- 5 If, in proceedings arising out of a failure to permit...
Part III — GENERAL

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- 6 (1) This paragraph applies where an employee has the right...

Power to amend or modify

- 7 (1) The Secretary of State may by order amend the...

SCHEDULE 3 —

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- 1 In this Schedule the “period of notice” means the period...

Employments for which there are normal working hours

- 2 (1) If an employee has normal working hours under the...

Employments for which there are no normal working hours

- 3 (1) If an employee does not have normal working hours...

Sickness or industrial injury benefit

- 4 (1) The following provisions of this paragraph shall have effect...

Absence on leave granted at request of employee

- 5 The employer shall not be liable under the foregoing provisions...

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- 6 No payment shall be due under this Schedule in consequence...

Termination of employment during period of notice

- 7 (1) If, during the period of notice, the employer breaks...

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- 1 The amount of a redundancy payment to which an employee...
2 Subject to paragraphs 3 and 4, the amount of the...

- 3 Where, in reckoning the number of years of employment in...
- 4 (1) Where in the case of an employee the relevant...
- 5 For the purposes of any provision contained in Part VI...
- 6 The preceding provisions of this Schedule shall have effect without...
- 7

SCHEDULE 5 —

- 1 A Regional Health Authority, District Health Authority Family Practitioner Committee,...
- 2 The Dental Estimates Board.
- 3 Any joint committee constituted under section 2(11) of the National...
- 4 The Public Health Laboratory Service Board.
- 5 A State Hospital Management Committee.

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- 1 (1) Where the employer's payment is a redundancy payment, the...
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SCHEDULE 9 —

Regulations as to tribunal procedure

- 1 (1) The Secretary of State may by regulations (in this...
- 1A (1) The regulations may include provision— (a) for authorising the...
- 1B The regulations may also include provision for authorising an industrial...

National security

- 2 (1) If on a complaint under— (a) section 146 of...

Payment of certain sums into Redundancy Fund

- 3

Exclusion of Arbitration Act 1950

- 4 The Arbitration Act 1950 shall not apply to any proceedings...

Presumption as to dismissal for redundancy

- 5 Where in accordance with the regulations an industrial tribunal determines...

Right of appearance

- 6 Any person may appear before an industrial tribunal in person...

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

Interest on sums awarded

6A (1) The Secretary of State may by order made with...

Recovery of sums awarded

7 (1) Any sum payable in pursuance of a decision of...

Constitution of tribunals for certain cases

8

Remuneration for presidents and full-time chairmen of industrial tribunals

9 The Secretary of State may pay such remuneration as he...

Remuneration etc. for members of industrial tribunals and for assessors and other persons

10 The Secretary of State may pay to members of industrial...

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SCHEDULE 10 —

- 1 Regulations under section 37 of the Coal Industry Nationalisation Act...
- 2 Regulations under section 67 of the National Insurance Act 1946....
- 3 Regulations under section 68 of the National Health Service Act...
- 4 Regulations under section 67 of the National Health Service (Scotland)...
- 5 Regulations under Schedule 5 to the Fire Services Act 1947....
- 6 Regulations under section 101 of the Transport Act 1947.
- 7
- 8 Regulations under section 140 of the Local Government Act 1948,...
- 9 Regulations under subsection (1) or subsection (2) of section 60...
- 10 Rules under section 3 of the Superannuation (Miscellaneous Provisions) Act...
- 11 Subsections (3) and (5) of section 58 of the Gas...
- 12 Subsection (4) of section 6 of the Commonwealth Telegraphs Act...
- 13 Regulations under section 25 of the Prevention of Damage by...
- 14 Regulations under section 42 of the Justices of the Peace...
- 15 Regulations under section 27 or section 28 of the Transport...
- 16 Regulations under section 24 of the Iron and Steel Act...
- 17
- 18 Orders under section 23 of the Local Government Act 1958...
- 19 Regulations under section 1 of the Water Officers Compensation Act...
- 20 Regulations under section 18(6) of the Land Drainage Act 1961....
- 21 Subsection (6) of section 74 of the Transport Act 1962...
- 22 Orders under section 84 of the London Government Act 1963...
- 23 Regulations under section 106 of the Water Resources Act 1963....

SCHEDULE 11 —

Part I — PROVISIONS AS TO MEMBERSHIP, SITTINGS, PROCEEDINGS AND POWERS

Tenure of office of appointed members of Appeal Tribunal

- 1 Subject to paragraphs 2 and 3, a member of the...
- 2 An appointed member (a) may at any time resign his...

- 3 (1) If the Lord Chancellor, after consultation with the Secretary...

Temporary membership of Appeal Tribunal

- 4 At any time when the office of President of the...
5 At any time when a judge of the Appeal Tribunal...
6 At any time when a judge of the Appeal Tribunal...
7 At any time when an appointed member is temporarily absent...
8 (1) At any time when it appears to the Lord...
9 A person appointed to act temporarily in place of the...
10 A person appointed to be a temporary additional judge of...
11 No judge shall be nominated under paragraph 5 or 6...

Organisation and sittings of Appeal Tribunal

- 12 The Appeal Tribunal shall be a superior court of record...
13 The Appeal Tribunal shall have a central office in London...
14 The Appeal Tribunal may sit at any time and in...
15 The Appeal Tribunal may sit, in accordance with directions given...
16 (1) Subject to sub-paragraphs (2) to (4), proceedings before the...

Rules

- 17 (1) The Lord Chancellor, after consultation with the Lord President...
18 Without prejudice to the generality of paragraph 17 the rules...
18A (1) Without prejudice to the generality of paragraph 17 the...
19 (1) Without prejudice to the generality of paragraph 17 the...
20 Any person may appear before the Appeal Tribunal in person...

Powers of Tribunal

- 21 (1) For the purpose of disposing of an appeal the...
21A (1) Any sum payable in England and Wales in pursuance...
22 (1) The Appeal Tribunal shall, in relation to the attendance...
23 (1) (2) A magistrates' court shall not remit the whole...

Staff

- 24 The Secretary of State may appoint such officers and servants...
Part II — SUPPLEMENTARY

Remuneration and allowances

- 25 The Secretary of State shall pay the appointed members of...
26 A person appointed to be a temporary additional judge of...

Pensions, etc.

- 27 If the Secretary of State determines, with the approval of...
28 Where a person ceases to be an appointed member otherwise...

SCHEDULE 12 —
Part I — GENERAL

Introductory

- 1 In this Schedule “the relevant provisions” means Part I (so...

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

Institution or continuance of tribunal proceedings

- 2 Where an employee or employer has died, tribunal proceedings arising...
 3 (1) If there is no personal representative of a deceased...
 4 (1) Subject to any specific provision of this Schedule to...

Rights and liabilities accruing after death

- 5 Any right arising under any of the relevant provisions as...
 6 Where by virtue of any of the relevant provisions as...
 Part II — UNFAIR DISMISSAL

Introductory

- 7 In this Part of this Schedule “the unfair dismissal provisions”...

Death during notice period

- 8 Where an employer has given notice to an employee to...
 9 Where— (a) the employee’s contract of employment has been terminated;...

Remedies for unfair dismissal

- 10 Where an employee has died, then, unless an order for...
 11 If an order for reinstatement or re-engagement has been made...
 Part III — REDUNDANCY PAYMENTS: DEATH OF EMPLOYER

Introductory

- 12 The provisions of this Part shall have effect in relation...
 13

Dismissal

- 14 Where by virtue of subsection (1) of section 93 the...
 15 Where by reason of the death of the deceased employer...
 16 For the purposes of section 82 as modified by paragraph...

Lay-off and short-time

- 17 Where the employee has before the death of the deceased...
 18 The provisions of paragraph 19 or (as the case may...
 19 If in the circumstances specified in paragraph 18 the employee’s...
 20 (1) The provisions of this paragraph shall have effect where,...

Continuity of period of employment

- 21 For the purposes of the application, in accordance with section...
 Part IV — REDUNDANCY PAYMENTS: DEATH OF EMPLOYEE
 22 (1) Where an employer has given notice to an employee...
 23 (1) Where an employer has given notice to an employee...
 24 Where an employee’s contract of employment has been renewed, or...
 25 (1) Where, in the circumstances specified in paragraphs (a) and...
 26 (1) Where an employee has given notice of intention to...
 27 (1) In relation to the making of a claim by...
 28 In relation to any case where, under any provision contained...

SCHEDULE 13 —

Preliminary

1 (1) Except so far as otherwise provided by the following...

Normal working weeks

3

Employment governed by contract

4 Any week during the whole or part of which the...

5

6

7

Power to amend paragraphs 3 to 7 by order

8

Periods in which there is no contract of employment

9 (1) If in any week the employee is, for the...

Maternity

10 If an employee returns to work in accordance with section...

Intervals in employment where section 55(5) or 84(1) or 90(3) applies

11 (1) In ascertaining, for the purposes of section 64(1)(a)

Payment of previous redundancy payment or equivalent payment

12 (1) Where the conditions mentioned in sub-paragraph (2)(a) or (2)(b)...

13

Redundancy payments: employment wholly or partly abroad

14 (1) In computing in relation to an employee the period...

Industrial disputes

15 (1) A week shall not count under paragraph

Reinstatement after service with the armed forces, etc.

16 (1) If a person who is entitled to apply to...

Change of employer

17 (1) Subject to this paragraph and paragraphs 18 to 18B,...

18 If an employee of an employer is taken into the...

18A (1) If an employee of one of the employers described...

18B (1) If a person employed in relevant employment by a...

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

Crown employment

19 (1) Subject to the following provisions of this paragraph, the...

Reinstatement or re-engagement of dismissed employee

20 (1) Regulations made by the Secretary of State may make...

Employment before the commencement of Act

21 Save as otherwise expressly provided, the provisions of this Schedule...

22 If, in any week beginning before 6th July 1964, the...

23 Without prejudice to the foregoing provisions of this Schedule, any...

Interpretation

24 (1) In this Schedule, unless the context otherwise requires,— “lock-out”...

SCHEDULE 14 —

Part I — NORMAL WORKING HOURS

1 For the purposes of this Schedule the cases where there...

2 If in such a case— (a) the contract of employment...

Part II — A WEEK’S PAY

Employments for which there are normal working hours

3 (1) This paragraph and paragraph 4 shall apply if there...

4 (1) This paragraph shall apply if there are normal working...

5 (1) For the purpose of paragraphs 3 and 4, in...

Employments for which there are no normal working hours

6 (1) This paragraph shall apply if there are no normal...

The calculation date

7 (1) For the purposes of this Part, the calculation date...

Maximum amount of week’s pay for certain purposes

8 (1) Notwithstanding the preceding provisions of this Schedule, the amount...

Supplemental

9 In any case in which an employee has not been...

10 In arriving at an average hourly rate or average weekly...

11 Where under this Part account is to be taken of...

12 The Secretary of State may by regulations provide that in...

SCHEDULE 15 —

General

1 So far as anything done or treated as done under...

2 Where any period of time specified in an enactment repealed...

3 Nothing in this Act shall affect the enactments repealed by...

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

4 Any reference in an enactment or document, whether express or...
5 Paragraphs 1 to 4 have effect subject to the following...
6
7

Termination of employment

8 Sections 49 and 50 apply in relation to any contract...

Unfair dismissal

9
10 (1) Section 54 does not apply to a dismissal from...

Redundancy

11
12 Section 81 shall not apply to an employee who immediately...
13
14

Insolvency

15 (1) Subject to sub-paragraph (2), the provisions of sections 122...
16

Computation of period of continuous employment

17 For the purposes of the computation of a period of...

Legal proceedings

18 Notwithstanding the repeal of any enactment by this Act, the...
19

SCHEDULE 16 —

1

Trade Union Act 1913 (2 & 3 Geo. 5. c.30)

2

Iron and Steel Act 1949 (12, 13 & 14 Geo. 6. c.72)

3 (1) In section 40 of the Iron and Steel Act...

Industrial Training Act 1964 (c.16)

4 (1)

Trade Union (Amalgamations, etc.) Act 1964 (c.24)

5

Transport Act 1968 (c.73)

6 In section 135(4)(b) of the Transport Act 1968, for the...
7

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

Post Office Act 1969 (c.48)

8 In paragraph 33 of Schedule 9 to the Post Office...
9

Atomic Energy Authority Act 1971 (c.11)

10 (1) In subsection (1) of section 10 of the Atomic...

Tribunals and Inquiries Act (c.62)

11 In
12

Transport Holding Company Act 1972 (c.14)

13 (1) In section 2(3)(c) of the Transport Holding Company Act...
14

British Library Act 1972 (c.54)

15 In paragraph 13(3)(a) of the Schedule to the British Library...

Gas Act 1972 (c.60)

16 In section 36(5) of the Gas Act 1972, for the...

Health and Safety at Work etc. Act 1974 (c.37)

17 The following subsection is inserted in section 80 of the...

Trade Union and Labour Relations Act 1974 (c.52)

18

Social Security Act 1975 (c.14)

19

Sex Discrimination Act 1975 (c.65)

20 (1) In section 65(2) of the Sex Discrimination Act 1975,...

Scottish Development Agency Act 1975 (c.69)

21 In paragraph 6 of Schedule 3 to the Scottish Development...

Welsh Development Agency Act 1975 (c.70)

22 In paragraph 7 of Schedule 2 to the Welsh Development...

Employment Protection Act 1975 (c.71)

23
24

Race Relations Act 1976 (c.74)

25 (1) The Race Relations Act 1976 shall be amended in...

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

Development of Rural Wales Act 1976 (c.75)

- 26 In both paragraph 6 of Schedule 2 and paragraph 6...
- 27 (1)

Aircraft and Shipbuilding Industries Act 1977 (c.3)

- 28 In both section 49(10) and section 50(3)(b) of the Aircraft...

Social Security (Miscellaneous Provisions) Act 1977 (c.5)

- 29

New Towns (Scotland) Act 1977 (c.16)

- 30 In section 3(6) of the New Towns (Scotland) Act 1977...
- 31
- 32
- 33

House of Commons (Administration) Act 1978 (c.36)

- 34 In paragraph 1 of Schedule 2 to the House of...

Schedule 17. —

Changes to legislation:

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