



# Employment Protection (Consolidation) Act 1978

## 1978 CHAPTER 44

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTAL

#### *Extension of employment protection legislation*

<sup>F1</sup>137 .....

#### **Textual Amendments**

**F1** S. 137 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. 1** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s.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

- <sup>F2</sup>(1) .....
- <sup>F2</sup>(2) .....
- <sup>F2</sup>(3) .....
- <sup>F2</sup>(4) .....
- <sup>F2</sup>(5) .....
- <sup>F2</sup>(6) .....

*Status: Point in time view as at 22/08/1996.*

*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- F2** S. 138(1)-(6)(7)(a)-(d)(f)(8)repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt.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- F3** S. 138(7)(e) repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt.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)

**[<sup>F4</sup>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 [<sup>F5</sup>57AA,] 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 industrial 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 industrial tribunal.

*Status: Point in time view as at 22/08/1996.*

*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 industrial 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 industrial 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 <sup>M1</sup>Army Act 1955, sections 180 and 181 of the <sup>M2</sup>Air Force Act 1955 and section 130 of the <sup>M3</sup>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)

#### 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 <sup>F6</sup>, . . . , II, III<sup>F7</sup>, 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—

- <sup>F8</sup>(a) . . . . .
- <sup>F8</sup>(b) . . . . .
- <sup>F8</sup>(c) . . . . .
- <sup>F9</sup>(d) . . . . .
- <sup>F8</sup>(e) . . . . .

<sup>F8</sup>(2) . . . . .

<sup>F8</sup>(3) . . . . .

<sup>F8</sup>(4) . . . . .

<sup>F8</sup>(5) . . . . .

*Status: Point in time view as at 22/08/1996.*

*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)*

- F8(6) .....
- F8(7) .....
- F8(8) .....
- F8(9) .....

#### Textual Amendments

- F6** 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**
- F7** Words repealed by **Social Security Act 1986** (c. 50, SIF 113:1), s. 86(2), **Sch. 11**
- F8** 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**
- F9** 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)

### *[<sup>F10</sup> House of Lords staff*

#### Textual Amendments

- F10** 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** <sup>F11</sup> **Provisions as to House of Lords staff.**

<sup>F12</sup>(1) .....

<sup>F12</sup>(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—

<sup>F13</sup>(a) .....

<sup>F12</sup>(b) .....

<sup>F12</sup>(4) .....

<sup>F12</sup>(5) .....

<sup>F12</sup>(6) .....]

#### Textual Amendments

- F11** 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**
- F12** 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**

*Status: Point in time view as at 22/08/1996.*

*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(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*

**F14** **140** .....

**Textual Amendments**

**F14** 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*

**F15** **141** .....

**Textual Amendments**

**F15** S. 141 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F16** **142** .....

**Textual Amendments**

**F16** S. 142 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F17** **143** .....

**Textual Amendments**

**F17** S. 143 repealed by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 4**

**F18** **144** .....

**Textual Amendments**

**F18** S. 144 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F19** **145** .....

*Status: Point in time view as at 22/08/1996.*

*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**

**F19** S. 145 repealed by Dock Work Act 1989 (c. 13, SIF 43:5), s. 7(1), **Sch. 1 Pt. I**

<sup>F20</sup> **146** .....

**Textual Amendments**

**F20** S. 146 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

<sup>F21</sup> **146A**.....

**Textual Amendments**

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

<sup>F22</sup> **147** .....

**Textual Amendments**

**F22** S. 147 repealed by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 4**

*Supplementary provisions*

<sup>F23</sup> **148** .....

**Textual Amendments**

**F23** S. 148 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

<sup>F24</sup> **149** .....

**Textual Amendments**

**F24** S. 149 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

<sup>F25</sup> **150** .....

*Status: Point in time view as at 22/08/1996.*

*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**

**F25** S. 150 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F26** **151** .....

**Textual Amendments**

**F26** S. 151 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F27** **152** .....

**Textual Amendments**

**F27** S. 152 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F28** **153** .....

**Textual Amendments**

**F28** S. 153 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F29** **154** .....

**Textual Amendments**

**F29** S. 154 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F30** **155** .....

**Textual Amendments**

**F30** S. 155 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F31** **156** .....

**Textual Amendments**

**F31** S. 156 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*Status: Point in time view as at 22/08/1996.*

*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)*

F32 **157** .....

**Textual Amendments**

F32 S. 157 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F33 **158** .....

**Textual Amendments**

F33 S. 158 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F34 **159** .....

**Textual Amendments**

F34 S. 159 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F35 **160** .....

**Textual Amendments**

F35 S. 160 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)



**Status:**

Point in time view as at 22/08/1996.

**Changes to legislation:**

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