

## SCHEDULES

### SCHEDULE 1

Section 20.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Post Office Act 1969*

- 1 In section 81(1) of the Post Office Act 1969 (exclusion of road haulage workers employed by Post Office from the workers in relation to whom wages councils may operate) the words from the beginning to " the Road Haulage Wages Act 1938 ; and " shall cease to have effect.

##### *The Trade Union and Labour Relations Act 1974*

- 2 In Schedule 1 to the 1974 Act, paragraph 32(2)(a) shall cease to have effect.
- 3 In Schedule 2 to the 1974 Act, in paragraph 32(1) (periodical re-examination of members' superannuation schemes) at the beginning there shall be inserted the words " Subject to paragraph 33A below " and after paragraph 33 there shall be inserted—

“33A The Certification Officer, on the application of a trade union or employers' association, may exempt any members' superannuation scheme which it maintains from the requirements of paragraph 32 above if he is satisfied that, by reason of the small number of members to which the scheme is applicable or for any other special reasons, it is unnecessary for the scheme to be examined in accordance with those requirements.

33B The Certification Officer may at any time revoke any exemption granted under paragraph 33A above if it appears to him that the circumstances by reason of which the exemption was granted have ceased to exist; and for the purposes of paragraph 32 above the relevant date next following the revocation shall be such date as the Certification Officer may direct.”

##### *The Employment Protection Act 1975*

- 4 In section 6 of the 1975 Act, after subsection (10) there shall be inserted—
- “(10A) If the Service is of the opinion that the provisions of a Code of Practice to be issued under this section will supersede the whole or part of a Code previously issued by it under this section or by the Secretary of State under section 3 of the Employment Act 1980, it shall in the new Code state that on the day on which the new Code comes into effect in pursuance of an order under subsection (5) or (8) above the old Code or a specified part of it shall cease to have effect (subject to any transitional provisions or savings made by the order).”

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5 In section 121(1) of the 1975 Act, for the words " 98 to " there shall be substituted the words " 99 to ".

6 In section 126(1) of the 1975 Act, in the definition of " recognition ", for the words from " has " to " above " there shall be substituted the words " in relation to a trade union, means the recognition of the union by an employer, or two or more associated employers, to any extent, for the purpose of collective bargaining ".

7 In section 127(1) of the 1975 Act, after paragraph (f) there shall be inserted—  
 “(ff) the Employment Act 1980 ; and”.

*The Employment Protection (Consolidation) Act 1978*

8 In section 15(5) of the 1978 Act, for the words "relevant periods " there shall be substituted the words " length of the period ".

9 In section 32(1) of the 1978 Act, for " 31 " there shall be substituted " 31A ".

10 In section 55(5) of the 1978 Act, after " 64(1)(a)" there shall be inserted " 64A ".

11 In section 56 of the 1978 Act, after the word " then " there shall be inserted the words " subject to section 56A ".

12 In section 58(5) of the 1978 Act, for the words " subsection (1) or (3)" there shall be substituted the words " subsection (1), (3A), (3B) or (3Q) ".

13 In section 66 of the 1978 Act (revocation of exclusion orders under section 65)—  
 (a) subsection (1) shall cease to have effect; and  
 (b) in subsection (2) for the words from " on " to " satisfied " there shall be substituted the words " at any time when an order under section 65 is in force in respect of a dismissal procedures agreement the Secretary of State is satisfied, whether on an application by any of the parties to the agreement or otherwise, ".

14 In section 71(3)(a) of the 1978 Act, for the words " section 58(1) or (3)" there shall be substituted the words " section 58(1), (3A), (3B) or (3Q) ".

15 In section 121(2)(c) of the 1978 Act, for the words " or 31(3)" there shall be substituted the words " 31(3) or 31A(4) ".

16 In section 128(4) of the 1978 Act, after the word "references " there shall be inserted the word " applications ".

17 In section 133(1) of the 1978 Act, in paragraph (a) after " 31 " there shall be inserted " 31A " , and after paragraph (c) there shall be inserted—

“or

(d) arising out of a contravention, or alleged contravention, of section 4 of the Employment Act 1980”.

18 In section 134 of the 1978 Act, for subsection (3) there shall be substituted—

“(3) Where—

(a) a person claims that action has been taken in respect of which a complaint could be presented by him under section 67, and

(b) before any complaint relating to that action has been so presented, a request is made to a conciliation officer (whether by that person or by the employer) to make his services available to them,

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- the conciliation officer shall act in accordance with subsections (1) and (2) above as if a complaint had been presented.”
- 19 In section 136(5) of the 1978 Act, after the words "subsection (1) " there shall be inserted the words " or under section 2, 4 or 5 of the Employment Act 1980 ".
- 20 In section 140 of the 1978 Act (restrictions on contracting out of 1978 Act) subsection (2)(b) shall cease to have effect.
- 21 In section 149 of the 1978 Act—
- (a) in subsection (1)(c), after " 64(1) " there shall be inserted " 64A(1) " ;
  - (b) in subsection (2), after " 58 " there shall be inserted " 58A ".
- 22 In section 154 of the 1978 Act (orders, rules and regulations)—
- (a) in subsection (1) the words "or an order under section 65 or 66 " shall cease to have effect; and
  - (b) in subsection (4) for the words from " section 96 " to the end there shall be substituted the words " section 65, 66 or 96 ".
- 23 In the subsection set out in paragraph 2(1) of Schedule 2 to the 1978 Act, for the words from " the employer can " to the end there shall be substituted the words " in the circumstances (including the size and administrative resources of the employer's undertaking) the employer would have been acting reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee if she had not been absent from work; and that question shall be determined in accordance with equity and the substantial merits of the case ".
- 24 In paragraphs 2(4) and 6(3) of Schedule 2 to the 1978 Act, for " 58(3)" there shall be substituted " 58(3) to (3E), 58A ".
- 25 In paragraph 5 of Schedule 3 to the 1978 Act, for the words " or 31 " there shall be substituted the words " 31 or 31A ".
- 26 In paragraph 1(2)(a) of Schedule 9 to the 1978 Act, after the word " question " there shall be inserted the word " application ".
- 27 In paragraph 7 of Schedule 9 to the 1978 Act, for sub-paragraph (2) there shall be substituted—
- “(2) Any order for the payment of any sum made by an industrial tribunal in Scotland (or any copy of such an order certified by the Secretary of the Tribunals) may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the Sheriff Court of any Sheriffdom in Scotland.”
- 28 In paragraph 18 of Schedule 11 to the 1978 Act, after subparagraph (a) there shall be inserted—
- “(aa) with respect to the manner in which an application to the Appeal Tribunal under section 5 of the Employment Act 1980 may be made ;”
  - “(d) for the registration and proof of any award made on an application to the Appeal Tribunal under section 5 of the Employment Act 1980.”.
- 29 After paragraph 21 of Schedule 11 to the 1978 Act there shall be inserted—
- “21A (1) Any sum payable in England and Wales in pursuance of an award of the Appeal Tribunal under section 5 of the Employment Act 1980 which has been registered in accordance with the rules shall, if a county court

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so orders, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

(2) Any order by the Appeal Tribunal for the payment in Scotland of any sum in pursuance of such an award (or any copy of such an order certified by the Secretary of the Tribunals) may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the Sheriff Court of any Sheriffdom in Scotland.”

30 In paragraph 23(1) of Schedule 11 to the 1978 Act, for the words from " section 14" to " those provisions" there shall be substituted the words " sections 31 and 32 of the Powers of Criminal Courts Act 1973 (powers of Crown Court in relation to fines and forfeited recognisances) shall have effect as if ".

31 In paragraph 10 of Schedule 13 to the 1978 Act, for the words " section 47 " there shall be substituted the words " section 45(1) or in pursuance of an offer made in the circumstances described in section 56A(2) ".

32 In paragraph 11 of Schedule 13 to the 1978 Act, after " 64(1)(a) " there shall be inserted " 64A(1) ".

33 In paragraph 7(1) of Schedule 14 to the 1978 Act, after paragraph (c) there shall be inserted—

“(cc) where the calculation is for the purposes of section 31A, the day of the appointment concerned ;”.