



# Employment Act 1982

1982 CHAPTER 46

**E+W+S**

An Act to provide for compensation out of public funds for certain past cases of dismissal for failure to conform to the requirements of a union membership agreement; to amend the law relating to workers, employers, trade unions and employers' associations; to make provision with respect to awards by industrial tribunals and awards by, and the procedure of, the Employment Appeal Tribunal; and for connected purposes. [28th October 1982]

## Extent Information

**E1** For the extent of this Act see [s. 22\(5\)](#) as repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 301(1)(2), 302, [Sch. 1](#) (with [s. 300\(3\)](#), [Sch. 3 para. 2](#)).

## Modifications etc. (not altering text)

**C1** Act applied by [S.I. 1976/766](#), [art. 3](#) as amended by [S.I. 1984/1149](#), [art. 2](#)

## Commencement Information

**I1** Act partly in force at Royal Assent see [s. 22\(2\)](#); Act wholly in force at 2.1.1983.

**1** ..... <sup>F1</sup> **E+W+S**

## Textual Amendments

**F1** [S. 1](#) repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 29, [Sch. 1](#)

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

*Unfair dismissal*

F2 ..... **E+W+S**

**Textual Amendments**

**F2** S. 2 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with Sch. 3 para. 2).

F3 ..... **E+W+S**

**Textual Amendments**

**F3** S. 3 (which was not reproduced in Statutes in Force) is repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1 (with Sch. 3 para. 2).

F4 ..... **E+W+S**

**Textual Amendments**

**F4** S. 4 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with Sch. 3 para. 2).

F5 ..... **E+W+S**

**Textual Amendments**

**F5** S. 5 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1 (with Sch. 3 para. 2).

F6 ..... **E+W+S**

**Textual Amendments**

**F6** S. 6 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1 (with Sch. 3 para. 2).

F7 ..... **E+W+S**

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

**Textual Amendments**

**F7** S. 7 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#) (with [Sch. 3 para. 2](#)).

**F8** ..... **E+W+S**

**Textual Amendments**

**F8** S. 8 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with [Sch. 3 para. 2](#)).

**F9** ..... **E+W+S**

**Textual Amendments**

**F9** S. 9 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with [Sch. 3 para. 2](#)).

*Action short of dismissal*

**F10** ..... **E+W+S**

**Textual Amendments**

**F10** S. 10 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with [Sch. 3 para. 2](#)).

**F11** ..... **E+W+S**

**Textual Amendments**

**F11** S. 11 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with [Sch. 3 para. 2](#)).

*Union membership or recognition requirements in contracts*

**F12** ..... **E+W+S**

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

**Textual Amendments**

**F12** S. 12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with Sch. 3 para. 2).

<sup>F13</sup> **13** ..... **E+W+S**

**Textual Amendments**

**F13** S. 13 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with Sch. 3 para. 2).

<sup>F14</sup> **14** ..... **E+W+S**

**Textual Amendments**

**F14** S. 14 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with Sch. 3 para. 2).

*Trade disputes*

<sup>F15</sup> **15** ..... **E+W+S**

**Textual Amendments**

**F15** S. 15 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with Sch. 3 para. 2).

<sup>F16</sup> **16** ..... **E+W+S**

**Textual Amendments**

**F16** S. 16 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with Sch. 3 para. 2).

<sup>F17</sup> **17** ..... **E+W+S**

**Textual Amendments**

**F17** S. 17 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c.52\)](#), ss. 300(1), 302, [Sch. 1](#) (with Sch. 3 para. 2).

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

F18 18 ..... **E+W+S**

**Textual Amendments**

**F18** S. 18 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c.52), ss. 300(1), 302, **Sch. 1** (with Sch. 3 para. 2).

F19 19 ..... **E+W+S**

**Textual Amendments**

**F19** S. 19 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c.52), ss. 300(1), 302, **Sch. 1** (with Sch. 3 para. 2).

*Periods of continuous employment*

**20 Change of basis of computation of period of continuous employment. **E+W+S****

- (1) The amendments set out in Schedule 2 shall have effect for the following purposes—
  - (a) amending enactments which confer rights by reference to the length of an employee’s period of continuous employment so as to substitute for periods expressed in weeks or years of fifty-two weeks corresponding periods expressed in months or years of twelve months;
  - (b) modifying the computation of an employee’s period of continuous employment under Schedule 13 to the 1978 Act so as to provide for computing the length of the period in months and years of twelve months;
  - (c) making minor and consequential amendments in connection with the purposes mentioned in paragraphs (a) and (b).
- (2) The amendments set out in Schedule 2 shall not apply—
  - (a) where the date by reference to which the length of an employee’s period of continuous employment falls to be ascertained (“the qualification date”) is before the commencement of this section, or
  - (b) where the result would be to deprive a person of any right or entitlement which he would have had if the qualification date had fallen immediately before the commencement of this section.
- (3) Subject to subsection (2), the amendments set out in Schedule 2 shall, so far as they relate to the computation of the length of a period of continuous employment, apply to periods before the commencement of this section as they apply to later periods.
- (4) Nothing in this section shall affect—
  - (a) any order made before the commencement of this section under section 18, 65 or 96 of the 1978 Act or any corresponding earlier enactment (exclusion of certain sections where equivalent protection afforded by collective agreement or wages order); or

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

- (b) the operation of any agreement or wages order to which such an order relates or the operation of any provision of the 1978 Act in relation to such an agreement or wages order.

*Supplemental*

**21 Interpretation, minor and consequential amendments and repeals. E+W+S**

[<sup>F20</sup>(1) In this Act “the 1978 Act” means the Employment Protection (Consolidation) Act 1978.]

- (2) Schedule 3 to this Act (which makes minor and consequential amendments) shall have effect.
- (3) The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent set out in the third column.

**Textual Amendments**

**F20** S. 21(1) substituted (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(2), 302, Sch. 2 para. 30.

**Modifications etc. (not altering text)**

**C2** The text of ss. 10(3)(4), 11, 18(1)–(6), 19 and 21(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**22 Short title, commencement and extent. E+W+S**

- (1) This Act may be cited as the Employment Act 1982.
- (2) This Act, except section 2 and Schedule 1, shall not come into operation until such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.
- (3) An order under this section may contain such transitional and supplemental provisions as appear to the Secretary of State to be necessary or expedient.

<sup>F21</sup>(4) .....

<sup>F21</sup>(5) .....

**Textual Amendments**

**F21** S. 22(4)(5) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with s. 300(3), Sch. 3 para 2).

**Modifications etc. (not altering text)**

**C3** Power of appointment conferred by s. 22(2) fully exercised: S.I. 1982/1656

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

## SCHEDULES

### <sup>F22</sup>SCHEDULE 1 **E+W+S**

#### Textual Amendments

**F22** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with s. 300(3), Sch. 3 para. 2).

#### *Power of Secretary of State to make payments*

<sup>F23</sup>**1** .....

#### Textual Amendments

**F23** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with s. 300(3), Sch. 3 para. 2).

#### *Conditions of eligibility*

<sup>F24</sup>**2** .....

#### Textual Amendments

**F24** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with s. 300(3), Sch. 3 para. 2).

#### *Maximum amount of compensation*

<sup>F25</sup>**3** .....

#### Textual Amendments

**F25** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1 (with s. 300(3), Sch. 3 para. 2).

#### *Construction of references to date of dismissal*

<sup>F26</sup>**4** .....

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

**Textual Amendments**

**F26** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

*Making an application*

F27<sup>5</sup> .....

**Textual Amendments**

**F27** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

*Reference of questions to appointed person*

F28<sup>6</sup> .....

**Textual Amendments**

**F28** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

*Consideration of application*

F29<sup>7</sup> .....

**Textual Amendments**

**F29** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

*Notification of decision*

F30<sup>8</sup> .....

**Textual Amendments**

**F30** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

*Reconsideration of decision*

F31<sup>9</sup> .....



*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

**Textual Amendments**

**F31** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

*Liability to repay in certain cases*

**F32**<sub>10</sub> .....

**Textual Amendments**

**F32** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

*False statement of an offence*

**F33**<sub>11</sub> .....

**Textual Amendments**

**F33** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

SCHEDULE 2 **E+W+S**

Section 20.

CHANGE OF BASIS OF COMPUTATION OF PERIOD OF CONTINUOUS EMPLOYMENT

**Modifications etc. (not altering text)**

**C4** The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Right to guarantee payment*

1 In section 13 of the 1978 Act (general exclusions from the right to a guarantee payment), subsections (1) and (2) shall be renumbered (3) and (4) and the following subsections shall be inserted as subsections (1) and (2)—

“(1) An employee shall not be entitled to a guarantee payment unless he has been continuously employed for a period of not less than one month ending with the day before that in respect of which the guarantee payment is claimed.

(2) An employee who is employed—

(a) under a contract for a fixed term of three months or less, or

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

- (b) under a contract made in contemplation of the performance of a specific task which is not expected to last for more than three months, shall not be entitled to a guarantee payment unless he has been continuously employed for a period of more than three months ending with the day before that in respect of which the guarantee payment is claimed.”.

*Right to remuneration on suspension on medical grounds*

- 2 In section 20 of the 1978 Act (general exclusions from the right to remuneration on suspension on medical grounds), subsections (1) and (2) shall be renumbered (3) and (4) and the following subsections shall be inserted as subsections (1) and (2)—

“(1) An employee shall not be entitled to remuneration under section 19 unless he has been continuously employed for a period of not less than one month ending with the day before that on which the suspension begins.

(2) An employee who is employed—

- (a) under a contract for a fixed term of three months or less, or
- (b) under a contract made in contemplation of the performance of a specific task which is not expected to last for more than three months, shall not be entitled to remuneration under section 19 unless he has been continuously employed for a period of more than three months ending with the day before that on which the suspension begins.”.

*Right to minimum period of notice*

- 3 (1) In sections 49 and 50 of the 1978 Act (rights of employer and employee to a minimum period of notice) for the words “four weeks” in section 49(1), (2) and (3) and section 50(1) and (2) (which relate to the period of continuous employment necessary before either right arises) there shall be substituted “one month”.

- (2) In section 49(4) of that Act (which converts into a contract for an indefinite period a contract for a term certain of four weeks or less where the employee has been continuously employed for twelve weeks or more) for the words “twelve weeks there shall be substituted” three months “and for the words four weeks” there shall be substituted “one month”.

(3) After that subsection there shall be inserted—

“(4A) Subsections (1) and (2) do not apply to a contract made in contemplation of the performance of a specific task which is not expected to last for more than three months unless the employee has been continuously employed for a period of more than three months.”.

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

*Right to written statement of reasons for dismissal*

- 4 In section 53(2) of the 1978 Act (period of continuous employment after which an employee has a right to a written statement ,of the reasons for his dismissal) for the words from “twenty-six weeks” onwards there shall be substituted “six months ending with that date”.

*Right not to be unfairly dismissed*

- 5 (1) In section 64 of the 1978 Act (qualifying period for the right not to be unfairly dismissed)—
- (a) in subsection (1)(a) for “fifty-two weeks” there shall be substituted “one year”; and
  - (b) in subsection (2) for “fifty-two weeks” and “four weeks” there shall be substituted, respectively, “one year” and “one month”.
- (2) In section 73(3) of that Act (calculation of basic award for unfair dismissal), in paragraphs (a) and (b) the words “which consists wholly of weeks” shall be omitted.

*Rights in connection with redundancy*

- 6 <sup>F34</sup>(1) . . . . .
- (2) In section 81(4) of the 1978 Act (requisite period qualifying for right to redundancy payment), the words from “excluding any week” onwards (which relate to weeks before the employee attained the age of eighteen) shall be omitted.
- (3) <sup>F35</sup> . . . . .
- (4) In section 106(2) of that Act (conditions to be satisfied before an employee can claim his unpaid redundancy payment from the Secretary of State), in paragraph (c) (exclusion where right under collective agreement arises by virtue of a period of employment which is less than one hundred and four weeks)—
- (a) for “period of employment” there shall be substituted “period of continuous employment”; and
  - (b) for “one hundred and four weeks” there shall be substituted “two years”.
- (5) In Schedule 4 to that Act (calculation of redundancy payment),
- (a) in paragraph 2(a) and (b) the words “which consists wholly of weeks (within the meaning of Schedule 13)” shall be omitted ; and
  - (b) paragraph 7 shall be omitted.

**Textual Amendments**

**F34** Sch. 2 para. 6(1) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

**F35** Sch. 2 para. 6(3) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. I**

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

### *Computation of period of continuous employment*

- 7 (1) For section 151 of the 1978 Act (continuous employment) there shall be substituted—

**“151 Computation of period of continuous employment.**

- (1) References in any provision of this Act to a period of continuous employment are, except where provision is expressly made to the contrary, to a period computed in accordance with the provisions of this section and Schedule 13 ; and in any such provision which refers to a period of continuous employment expressed in months or years a month means a calendar month and a year means a year of twelve calendar months.
- (2) In computing an employee’s period of continuous employment any question arising as to—
  - (a) whether the employee’s employment is of a kind counting towards a period of continuous employment, or
  - (b) whether periods (consecutive or otherwise) are to be treated as forming a single period of continuous employment, shall be determined in accordance with Schedule 13 (that is to say, week by week), but the length of an employee’s period of employment shall be computed in months and years of twelve months in accordance with the following rules.
- (3) Subject to the following provisions of this section, an employee’s period of continuous employment for the purposes of any provision of this Act begins with the day on which he starts work and ends with the day by reference to which the length of his period of continuous employment falls to be ascertained for the purposes of the provision in question.
- (4) For the purposes of section 81 and Schedule 4 an employee’s period of continuous employment shall be treated as beginning on his eighteenth birthday if that date is later than the starting date referred to in subsection (3).
- (5) If an employee’s period of continuous employment includes one or more periods which, by virtue of any provision of Schedule 13, do not count in computing the length of the period but do not break continuity, the beginning of the period shall be treated as postponed by the number of days falling within that intervening period or, as the case may be, by the aggregate number of days falling within those periods.
- (6) The number of days falling within such an intervening period is—
  - (a) in the case of a period to which paragraph 14(3) of Schedule 13 applies, seven days for each week within that sub-paragraph ;
  - (b) in the case of a period to which paragraph 15(2) or (4) of that Schedule applies, the number of days between the last working day before the strike or lock-out and the day on which work was resumed ;
  - (c) in the case of a period to which paragraph 16(1) of that Schedule applies, the number of days between the employee’s last day of employment before service under Part I of the National Service Act

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1948 and the day on which he resumed employment in accordance with Part II of that Act.”.

- (2) In Schedule 13 to that Act (computation of period of employment), for paragraphs 1 and 2 (preliminary provisions) there shall be substituted—

**Preliminary**

- “1 (1) Except so far as otherwise provided by the following provisions of this Schedule, a week which does not count under paragraphs 3 to 12 breaks the continuity of the period of employment.
- (2) The provisions of this Schedule apply, subject to paragraph 14, to a period of employment notwithstanding that during that period the employee was engaged in work wholly or mainly outside Great Britain, or was excluded by or under this Act from any right conferred by this Act.
- (3) A person’s employment during any period shall, unless the contrary is shown, be presumed to have been continuous.”.

- (3) For paragraph 8 of that Schedule there shall be substituted—

**Power to amend paragraphs 3 to 7 by order**

- “8 (1) The Secretary of State may by order—
- (a) amend paragraphs 3 to 7 so as to substitute for each of the references to sixteen hours a reference to such other number of hours less than sixteen as may be specified in the order ; and
- (b) amend paragraphs 6 and 7 so as to substitute for each of the references to eight hours a reference to such other number of hours less than eight as may be specified in the order.
- (2) No order under this paragraph shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) The provisions of any order under this paragraph shall apply to periods before the order takes effect as they apply to later periods.”.

*Minor and consequential amendments relating to sections 1 to 4 of the 1978 Act*

- 8 (1) In section 1 of the 1978 Act (obligation to give written particulars of terms of employment)—
- (a) in subsection (1) (the basic obligation) for the words “the beginning of an employee’s period of employment” there shall be substituted “the beginning of an employee’s employment” ; and
- (b) in subsection (2) (matters to be included in the statement), for paragraph (c) there shall be substituted—
- “(c) specify the date on which the employee’s period of continuous employment began (taking into account any

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employment with a previous employer which counts towards that period).”.

- (2) For section 2(4) of that Act (exclusion of obligation to give written statement where terms the same as those of previous employment) there shall be substituted—

“(4) No statement need be given under section 1 where—

- (a) the employee’s terms of employment are the same as those of earlier employment with the same employer in respect of which a statement under that section and any information subsequently required under section 4 was duly given, and
- (b) that earlier employment ended not more than six months before the beginning of the employment in question ;

but without prejudice to the operation of subsection (1) of section 4 if there is subsequently a change in the terms of employment.”.

- (3) In section 4 of that Act (duty to inform of changes in terms of employment—

- (a) in subsection (4)(b) (change of employer to be treated as change of terms where continuity of employment is not broken) the words from “in accordance with” to “Schedule 13” shall be omitted; and
- (b) in subsection (5) (duty in such a case to specify date from which employment is continuous) for the words “continuous period of employment” there shall be substituted “period of continuous employment”.

- (4) After section 5 of that Act there shall be inserted—

**“5A Employees becoming or ceasing to be excluded from ss. 1 to 4.**

- (1) Sections 1 to 4 shall apply to an employee who at any time comes or ceases to come within the exceptions from those sections provided for by section 5, 141, 144, 145 or 146(4) to (7), or under section 149, as if his employment with his employer terminated or began at that time.
- (2) Subsection (1) of section 1 shall apply to an employee who ceases to come within the exception provided by section 5 with the substitution for the words “thirteen weeks” of the words “one month”.
- (3) The fact that section 1 is directed to apply to an employee as if his employment began on his ceasing to come within one of the exceptions referred to in subsection (1) shall not affect the obligation under subsection (2)(b) of that section to specify the date on which his employment actually began.”.

- (5) In section 146 of that Act (miscellaneous excluded classes of employment—

- (a) in subsection (4) (exclusion of part-time employees from rights which do not depend on a qualifying period of continuous employment), after “sections” there shall be inserted “1, 4,” ; and
- (b) after subsection (7) there shall be added—

“(8) References in subsections (4) to (7) to weeks are to weeks within the meaning of Schedule 13.”.

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

### *Other consequential amendments*

- 9 (1) In section 149 of the 1978 Act (which confers a general power to amend the Act by order)—
- (a) in subsection (1)(c) (which lists provisions whose operation may be varied or excluded), after “sections” there shall be inserted “13(2), 20(2), 49(4A),”; and
  - (b) in subsection (2) (provisions to which the power does not extend), for “and 142(1)” there shall be substituted “, 142(1) and 151”.
- (2) In section 157(1) of that Act (reciprocal arrangements with Northern Ireland) for “sections 1 to 7” there shall be substituted “sections 1 to 6”.

## SCHEDULE 3 **U.K.**

Section 21.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### **Modifications etc. (not altering text)**

- C5** The text of Sch. 3(1)–(7)(9) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## **PART I **E+W+S****

### MINOR AMENDMENTS

#### *Unfair dismissal: effective date of termination*

- 1 In section 55 of the 1978 Act (meaning of “dismissal”) for subsection (5) there shall be substituted the following—
- “(5) Where the contract of employment is terminated by the employer and the notice required by section 49 to be given by an employer would, if duly given on the material date, expire on a date later than the effective date of termination (as defined by subsection (4)) then, for the purposes of sections 53(2), 64(1)(a), 64A and 73(3) and paragraph 8(3) of Schedule 14, the later date shall be treated as the effective date of termination in relation to the dismissal.
- (6) Where the contract of employment is terminated by the employee and—
- (a) the material date does not fall during a period of notice given by the employer to terminate that contract ; and
  - (b) had the contract been terminated not by the employee but by notice given on the material date by the employer, that notice would have been required by section 49 to expire on a date later than the effective date of termination (as defined by subsection (4)),

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

then, for the purposes of sections 64(1)(a), 64A and 73(3) and paragraph 8(3) of Schedule 14, the later date shall be treated as the effective date of termination in relation to the dismissal.

- (7) “Material date” means—
- (a) in subsection (5), the date when notice of termination was given by the employer or (where no notice was given) the date when the contract of employment was terminated by the employer; and
  - (b) in subsection (6), the date when notice of termination was given by the employee or (where no notice was given) the date when the contract of employment was terminated by the employee.”.

*Continuity of employment in certain schools*

- 2 (1) In section 81 of the 1978 Act (general provisions as to right to redundancy payment) the following subsection shall be inserted after subsection (2)—

“(2A) For the purposes of subsection (2) the activities carried on by a local education authority with respect to the schools maintained by it and the activities carried on by the governors of those schools shall be treated as one business unless either of the conditions specified in subsection (2) would be satisfied without so treating them.”.

- (2) In paragraph 17(1) of Schedule 13 to the 1978 Act, for the words “paragraph 18” there shall be substituted the words “paragraphs 18 and 18A”.

- (3) After paragraph 18 of that Schedule there shall be inserted the following paragraph—

“18A (1) If an employee of one of the employers described in sub-paragraph (2) is taken into the employment of another of those employers, his period of employment at the time of the change of employer shall count as a period of employment with the second employer and the change shall not break the continuity of the period of employment.

(2) The employers referred to in sub-paragraph (1) are the governors of the schools maintained by a local education authority and that authority.”.

*Insolvent employers: payments to employees*

- 3 ..... F36

**Textual Amendments**  
**F36** Sch. 3 para. 3 repealed by *Insolvency Act 1985 (c. 65, SIF 66)*, s. 235(3), **Sch. 10 Pt. IV**

- 4 (1) Section 122(3) of the 1978 Act (debts to which the provisions of section 122 about employees’ rights on insolvency of employers apply) shall be amended as follows.

- (2) For paragraph (a) there shall be substituted the following paragraph—



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“(a) any arrears of pay in respect of one or more (but not more than eight) weeks ;”.

(3) For paragraph (c) there shall be substituted the following paragraph—

“(c) any holiday pay—

(i) in respect of a period or periods of holiday not exceeding six weeks in all; and

(ii) to which the employee became entitled during the twelve months ending with the relevant date;”.

5 ..... F37

#### Textual Amendments

F37 Sch. 3 para. 5 repealed by Employment Act 1989 (c. 38, SIF 43:1), s.29(4), Sch. 7 Pt. II

#### *Application of the 1978 Act to employed spouses*

6 Section 146(1) of the 1978 Act (which provides that certain provisions of that Act do not apply to employment where the employer is the husband or wife of the employee) shall cease to have effect.

#### *Interest on awards made by or on appeal from industrial tribunals*

7 In Schedule 9 to the 1978 Act (industrial tribunals), after paragraph 6 there shall be inserted the following Paragraph—

#### **Interest on sums awarded**

“6A (1) The Secretary of State may by order made with the approval of the Treasury provide that sums payable in pursuance of decisions of industrial tribunals shall carry interest at such rate and between such times as may be prescribed by the order.

(2) Any interest due by virtue of such an order shall be recoverable as a sum payable in pursuance of the decision.

(3) The power conferred by sub-paragraph (1) includes power—

(a) to specify cases or circumstances in which interest shall not be payable;

(b) to provide that interest shall be payable only on sums exceeding a specified amount or falling between specified amounts ;

(c) to make provision for the manner in which and the periods by reference to which interest is to be calculated and paid;

(d) to provide that any enactment shall or shall not apply in relation to interest payable by virtue of an order under sub-paragraph (1) or shall apply to it with such modifications as may be specified in the order ;

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- (e) to make provision for cases where sums are payable in pursuance of decisions or awards made on appeal from industrial tribunals ;
  - (f) to make such incidental or supplemental provision as the Secretary of State considers necessary.
- (4) Without prejudice to the generality of sub-paragraph (3), an order under sub-paragraph (1) may provide that the rate of interest shall be the rate specified in section 17 of the Judgments Act 1838 as that enactment has effect from time to time.”.

*Employment Appeal Tribunal*

- 8 (1) In paragraph 18 of Schedule 11 to the 1978 Act (rules governing proceedings before the Employment Appeal Tribunal), after paragraph (d) there shall be inserted the following paragraph—
- “(e) for interlocutory proceedings to be dealt with otherwise than in accordance with paragraph 16.”.
- (2) Where, before the commencement of any rules made by virtue of sub-paragraph (1) above, interlocutory proceedings before the Appeal Tribunal have been dealt with otherwise than in accordance with paragraph 16 of Schedule 11, those proceedings shall be taken to have been dealt with in accordance with the requirements of that paragraph.
- 9 In paragraph 21A of that Schedule (enforcement of awards of Employment Appeal Tribunal under section 5 of the 1980 Act) after sub-paragraph (2) there shall be added the following sub-paragraph—
- “(3) Any sum payable in pursuance of an award of the 1980 c. 42. Appeal Tribunal under section 5 of the Employment Act 1980 shall be treated as if it were a sum payable in pursuance of a decision of an industrial tribunal for the purposes of paragraph 6A of Schedule 9 (interest on industrial tribunal awards).”.

**PART II U.K.**

CONSEQUENTIAL AMENDMENTS

*Courts Act 1919 (c.69)*

F38 10 .....

**Textual Amendments**

**F38** Sch. 3 paras. 10-13 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#) (with s. 300(3), Sch. 3 para. 2).

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

*Administration of Justice (Scotland) Act 1972 (c.59)*

F39 11 .....

**Textual Amendments**

**F39** Sch. 3 paras. 10-13 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

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

F40 12 .....

**Textual Amendments**

**F40** Sch. 3 paras. 10-13 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

*Employment Protection Act 1975 (c.71)*

F41 13 .....

**Textual Amendments**

**F41** Sch. 3 paras. 10-13 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

*Aircraft and Shipbuilding Industries Act 1977 (c.3)*

14 In section 6 of the Aircraft and Shipbuilding Industries Act 1977 (duty of Corporations to take steps to establish and maintain machinery for, amongst other things, the resolution of trade disputes), in subsection (2)(b) (in which “trade dispute” is defined by reference to the 1974 Act), for the words “within the meaning of the Trade Union and Labour Relations Act 1974” there shall be substituted the words “ within the meaning of the Employment Protection Act 1975 ”.

*Employment Protection (Consolidation) Act 1978 (c.44)*

15 In section 13(1) of the 1978 Act (exclusion of right to guarantee payment if lack of work due to trade dispute), for the words “trade dispute” there shall be substituted the words “strike, lockout or other industrial action”.

16 ..... F42

**Textual Amendments**

**F42** Sch. 3 para. 16 repealed by Employment Act 1988 (c. 19, SIF 43:5), s. 33(2), **Sch. 4**

F43 17 .....

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

**Textual Amendments**

**F43** Sch. 3 paras. 17-20 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

F44 18 .....

**Textual Amendments**

**F44** Sch. 3 paras. 17-20 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

F45 19 .....

**Textual Amendments**

**F45** Sch. 3 paras. 17-20 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1** (with s. 300(3), Sch. 3 para. 2).

F46 20 .....

**Textual Amendments**

**F46** Sch. 3 paras. 17-20 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

21 In section 68(2) of the 1978 Act (compensation for unfair dismissal), for the words “sections 72 to 74” there shall be substituted the words “sections 72 to 76”.

22 In section 71(2)(a) and (5) of the 1978 Act (compensation after section 69 order), for the words “sections 72 to 74” there shall be substituted in each case the words “sections 72 to 76”.

23 In section 74(3) of the 1978 Act (calculation of compensatory award), for the words “section 73(7) or (9)” there shall be substituted the words “section 73(7A) to (9)”.

F47 24 .....

**Textual Amendments**

**F47** Sch. 3 para. 24 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with s. 300(3), Sch. 3 para. 2).

25 In section 149(2) of the 1978 Act (general power to amend the Act) for the word “75” there shall be substituted the words “73(4B), 75, 75A(7)”.

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26 In section 153(1) of the 1978 Act (interpretation) in the definition of “effective date of termination” for the words “and (5)” there shall be substituted the words “to (6)”.

27 (1) Schedule 2 to the 1978 Act (supplementary provisions relating to maternity) shall be amended as follows.

(2) In paragraph 2(4)—

- <sup>F48</sup>(a) .....
- (b) ..... <sup>F49</sup>

(3) In paragraph 6(3)—

- <sup>F48</sup>(a) .....
- (b) ..... <sup>F49</sup>

**Textual Amendments**

**F48** Sch. 3 para. 27(2)(a)(3)(a) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1 (with s. 300(3), Sch. 3 para. 2).

**F49** Sch. 3 para. 27(2)(b)(3)(b) repealed by Dock Work Act 1989 (c. 13, SIF 43:1), s. 7(1), Sch. 1 Pt. I

28 In Schedule 12 to the 1978 Act (death of employee or employer) for paragraph 9 there there shall be substituted—

“9 Where—

- (a) the employee’s contract of employment has been terminated ;  
and
  - (b) by virtue of subsection (5) of (6) of section 55 a date later than the effective date of termination as defined in subsection (4) of that section is to be treated as the effective date of termination for the purposes of certain of the unfair dismissal provisions ;  
and
  - (c) before that later date the employer or the employee dies ;
- subsection (5) or, as the case may be, (6) shall have effect as if the notice referred to in that section as required by section 49 would have expired on the date of the death.”.

29 In paragraph 11(1) of Schedule 13 to the 1978 Act (deemed continuity of employment where a later date is treated as the effective date of termination) after the words “55(5)” there shall be inserted the words “or, as the case may be, (6)”.

30 (1) Schedule 14 to the 1978 Act (calculation of normal working hours and a week’s pay) shall be amended as follows.

(2) In paragraph 7(1) (the calculation date)—

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- (a) in paragraph (h), after the words “55(5)” there shall be inserted the words “or, as the case may be, (6)” ; and
  - (b) in paragraph (i), for the words “section 55(5) does not apply” there shall be substituted the words “neither subsection (5) nor subsection (6) of section 55 applies”.
- (3) In paragraph 8(3) (maximum amount of week’s pay for certain purposes) after the words “55(5)” there shall be inserted the words “or, as the case may be, (6)”.

*Crown Agents Act 1979 (c.43)*

- 31 In paragraph 15 of Schedule 1 to the Crown Agents Act 1979 (duty of Crown Agents to take steps to establish and maintain machinery for, amongst other things, the resolution of trade disputes), in sub-paragraph (2)(b) (in which “trade dispute” is defined by reference to the 1974 Act) for the words “within the meaning of the <sup>M1</sup> Trade Union and Labour Relations Act 1974” there shall be substituted the words “within the meaning of the <sup>M2</sup> Employment Protection Act 1975”.

**Marginal Citations**

**M1** 1974 c. 52.

**M2** 1975 c. 71.

**Modifications etc. (not altering text)**

**C6** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 16/10/1992.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1982 (repealed). (See end of Document for details)*

Chapter	Short title	Extent of repeal
1974 c. 52.	The Trade Union and Labour Relations Act 1974.	In section 2(1)(c), the words "subject to section 14 below". In section 3(2)(e), the words "subject to section 14 below". Section 13(2). Section 14. In section 17(2), the words "14(2)". In Schedule 3, paragraph 17. Section 119(17).
1975 c. 71.	The Employment Protection Act 1975.	In section 126(1), in the list of expressions which have the same meaning as in the 1974 Act, the words "trade dispute". In Schedule 16, in Part IV, paragraph 3(3).
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	Section 3. In section 4(4)(b), the words from "in accordance with" to "Schedule 13". Section 5, the proviso. Section 7. In section 62(4), the word "trade". Section 71(3)(e). Section 73(1)(b) and (7). In section 73(2)(e) and (f), the words "which consists wholly of weeks". In section 73(1)(b), the words from "other" to "subsection (7)". Section 76B. Section 76C. In section 77(10), the definition of "appropriate time". In section 81(4), the words from "excluding any week" onwards. In section 100(2), the words "Without prejudice to section 146(1),". Section 143. Section 146(1). Section 147. In section 149(1)(c), the words "143(3) and (4)" and "(1) and". In section 149(2), the reference to section 7 and the words from "and paragraph (c)" to the end. In section 153(1), the definition of "inadmissible reason".

Chapter	Short title	Extent of repeal
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In Schedule 2, in paragraph 4(3), the words "146(1)". In Schedule 4, in paragraph 2(c) and (d), the words from "which consists" to "Schedule 13" and paragraph 7. In Schedule 13, paragraph 13. In Schedule 16, paragraph 23(9).
1980 c. 42.	The Employment Act 1980.	Section 7. Section 10. Section 15(4). Section 18. In Schedule 1, paragraphs 12 and 14.

**Status:**

Point in time view as at 16/10/1992.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1982 (repealed).