

## SCHEDULES

### SCHEDULE 2

#### CHANGE OF BASIS OF COMPUTATION OF PERIOD OF CONTINUOUS EMPLOYMENT

##### *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 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,

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*Status: This is the original version (as it was originally enacted).*

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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.”.