

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

CONSEQUENTIAL AMENDMENTS

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 In section 23 of the 1978 Act (action short of dismissal taken against employee in respect of trade union membership or activities), in subsection (2A)(b), after the words "subsection (1)(c)" there shall be inserted the words " or (1A), ".
- 17 In section 59(a) of the 1978 Act (circumstances where dismissal on ground of redundancy is unfair), for the words "an inadmissible reason " there shall be substituted the words " one of those specified in section 58(1) ".
- 18 In section 62 of the 1978 Act (dismissal in connection with a strike, lock-out or other industrial action), in subsection (4) (which defines " relevant employees " in relation to a lock-out by reference to their interest in the underlying trade dispute), for the words " trade dispute " there shall be substituted the word " dispute ".
- 19 In section 64(3) of the 1978 Act (qualifying period and upper age limit in connection with unfair dismissal), for the words " an inadmissible reason" there shall be substituted the words " one of those specified in section 58(1) ".
- 20 In section 64A(2) of the 1978 Act (extended qualifying period where there are no more than twenty employees), for the words " an inadmissible reason " there shall be substituted the words " one of those specified in section 58(1) ".
- 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) ".
- 24 (1) In section 77 of the 1978 Act (interim relief pending determination of complaint of unfair dismissal), in subsection (2), at the beginning of paragraph (b) there shall be inserted the words " in a case in which the employee relies on section 58(1)(a) or (6) ".

Status: This is the original version (as it was originally enacted).

- (2) In subsection (3) of that section, before the words " the relevant certificate " there shall be inserted the words " (where appropriate) ".
- (3) In subsection (5) of that section for the words from "was unfairly " to " subsection (1)" there shall be substituted the words " is by virtue of section 58 to be regarded as having been unfairly dismissed ".
- 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) ".
- 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)—
- (a) for the words " 58(3) to (3E)" there shall be substituted the words " 58(3) to (12) "; and
- (b) for the words ", 145(2) and 146(1)" there shall be substituted the words " and 145(2) ".
- (3) In paragraph 6(3)—
- (a) for the words " 58(3) to (3E)" there shall be substituted the words " 58(3) to (12) "; and
- (b) for the words ", 145 and 146(1)" there shall be substituted the words " and 145 ".
- 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) or (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)—
- (a) in paragraph (h), after the words " 55(5)" there shall be inserted the words " or, as the case may be, (6) "; and

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- (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) " .