



# Employment Act 1989

## 1989 CHAPTER 38

**U.K.**

An Act to amend the Sex Discrimination Act 1975 in pursuance of the Directive of the Council of the European Communities, dated 9th February 1976, (No. [76/207/EEC](#)) on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; to repeal or amend prohibitions or requirements relating to the employment of young persons and other categories of employees; to make other amendments of the law relating to employment and training; to repeal section 1(1)(a) of the Celluloid and Cinematograph Film Act 1922; to dissolve the Training Commission; to make further provision with respect to industrial training boards; to make provision with respect to the transfer of staff employed in the Skills Training Agency; and for connected purposes. [16th November 1989]

<sup>X1</sup>Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **Editorial Information**

- X1** The whole Act appeared in S.I.F Group 43:1 (Employment: General). The text of ss. 1–8, 27–30, Schs. 1, 6 paras. 12, 15, 16, 30, Sch. 9 para. 1 was printed in S.I.F Group 106:1 (Rights of the Subject: General).

### **Commencement Information**

- II** Act partly in force at Royal Assent see [s. 30\(2\)](#); Act wholly in force at 03.03.1997 see [S.I. 1997/134](#), art. 2

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

*Overriding of provisions requiring discrimination as respects employment or training*

**1 Overriding of statutory requirements which conflict with certain provisions of 1975 Act. E+W+S**

- (1) Any provision of—
- (a) an Act passed before the <sup>M1</sup>Sex Discrimination Act 1975, or
  - (b) an instrument approved or made by or under such an Act (including one approved or made after the passing of the 1975 Act),
- shall be of no effect in so far as it imposes a requirement to do an act which would be rendered unlawful by any of the provisions of that Act referred to in subsection (2).
- (2) Those provisions are—
- (a) Part II (discrimination as respects employment);
  - (b) Part III (discrimination as respects education etc.) so far as it applies to vocational training; and
  - (c) Part IV (other unlawful acts) so far as it has effect in relation to the provisions mentioned in paragraphs (a) and (b) above.
- (3) Where in any legal proceedings (of whatever nature) there falls to be determined the question whether subsection (1) operates to negative the effect of any provision in so far as it requires the application by any person of a [<sup>F1</sup>provision, criterion or practice] falling within [<sup>F2</sup>section 1(2)(b)(i) or 3(1)(b)(i)] of the 1975 Act (indirect discrimination on grounds of sex or marital status)—
- (a) it shall be for any party to the proceedings who claims that subsection (1) does not so operate in relation to that provision to show the [<sup>F1</sup>provision, criterion or practice] in question to be justifiable as mentioned in [<sup>F3</sup>section 1(2)(b)(ii) or 3(1)(b)(ii) of that Act]; and
  - (b) the said [<sup>F4</sup>section 1(2)(b)(ii) or 3(1)(b)(ii)] shall accordingly have effect in relation to the [<sup>F1</sup>provision, criterion or practice] as if the reference to the person applying it were a reference to any such party to the proceedings.
- (4) Where an Act passed after the 1975 Act, whether before or after the passing of this Act, re-enacts (with or without modification) a provision of an Act passed before the 1975 Act, that provision as re-enacted shall be treated for the purposes of subsection (1) as if it continued to be contained in an Act passed before the 1975 Act.

**Textual Amendments**

- F1** Words in s. 1(3) substituted (12.10.2001) by S.I. 2001/2660, reg. 9(a)  
**F2** Words in s. 1(3) substituted (12.10.2001) by S.I. 2001/2660, reg. 9(b)  
**F3** Words in s. 1(3)(a) substituted (12.10.2001) by S.I. 2001/2660, reg. 9(c)  
**F4** Words in s. 1(3)(b) substituted (12.10.2001) by S.I. 2001/2660, reg. 9(d)

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

- C1** S. 1(1) excluded by S.I. 1989/2420, art. 2

**Marginal Citations**

- M1** 1975 c. 65.

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**2 Power of Secretary of State to repeal statutory provisions requiring discrimination as respects employment or training. E+W+S**

- (1) Where it appears to the Secretary of State that a relevant provision, namely any provision of—
  - (a) an Act passed before this Act, or
  - (b) an instrument approved or made by or under such an Act (including one approved or made after the passing of this Act),
 requires the doing of an act which would (within the meaning of the 1975 Act) constitute an act of discrimination in circumstances relevant for the purposes of any of the provisions of that Act falling within section 1(2) above, he may by order make such provision (whether by amending, repealing or revoking the relevant provision or otherwise) as he considers appropriate for removing any such requirement.
- (2) Subsection (1) shall have effect in relation to a provision to which section 1(1) above applies as if the reference to a relevant provision requiring the doing of an act were a reference to its so requiring but for the operation of section 1(1).
- (3) Any order under this section which makes any amendment, repeal or revocation of a relevant provision within the meaning of subsection (1) may (without prejudice to the generality of section 28(5) below) amend or repeal any provision of this Act by virtue of which acts done in pursuance of the relevant provision are not to be unlawful for the purposes of provisions of the 1975 Act.
- (4) Where an Act passed after this Act re-enacts (with or without modification) a provision of an Act passed before this Act, that provision as re-enacted shall be treated for the purposes of subsection (1) as if it continued to be contained in an Act passed before this Act.

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

C2 S. 2: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

*Circumstances where discrimination as respects employment or training is permissible*

**3 Restriction of exemption for discrimination required by or under statute. E+W+S**

- (1) The 1975 Act shall be amended as follows.
- <sup>F5</sup>(2) .....
- (3) The following sections shall be substituted for section 51—

**“51 Acts done for purposes of protection of women.**

- (1) Nothing in the following provisions, namely—
  - (a) Part II,
  - (b) Part III so far as it applies to vocational training, or
  - (c) Part IV so far as it has effect in relation to the provisions mentioned in paragraphs (a) and (b),
 shall render unlawful any act done by a person in relation to a woman if—

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- (i) it was necessary for that person to do it in order to comply with a requirement of an existing statutory provision concerning the protection of women, or
  - (ii) it was necessary for that person to do it in order to comply with a requirement of a relevant statutory provision (within the meaning of Part I of the Health and Safety at Work etc. Act 1974) and it was done by that person for the purpose of the protection of the woman in question (or of any class of women that included that woman).
- (2) In subsection (1)—
  - (a) the reference in paragraph (i) of that subsection to an existing statutory provision concerning the protection of women is a reference to any such provision having effect for the purpose of protecting women as regards—
    - (i) pregnancy or maternity, or
    - (ii) other circumstances giving rise to risks specifically affecting women,
 whether the provision relates only to such protection or to the protection of any other class of persons as well; and
  - (b) the reference in paragraph (ii) of that subsection to the protection of a particular woman or class of women is a reference to the protection of that woman or those women as regards any circumstances falling within paragraph (a)(i) or (ii) above.
- (3) In this section “existing statutory provision” means (subject to subsection (4)) any provision of—
  - (a) an Act passed before this Act, or
  - (b) an instrument approved or made by or under such an Act (including one approved or made after the passing of this Act).
- (4) Where an Act passed after this Act re-enacts (with or without modification) a provision of an Act passed before this Act, that provision as re-enacted shall be treated for the purposes of subsection (3) as if it continued to be contained in an Act passed before this Act.

**51A Acts done under statutory authority to be exempt from certain provisions of Part III.**

- (1) Nothing in—
  - (a) the relevant provisions of Part III, or
  - (b) Part IV so far as it has effect in relation to those provisions, shall render unlawful any act done by a person if it was necessary for that person to do it in order to comply with a requirement of an existing statutory provision within the meaning of section 51.
- (2) In subsection (1) “the relevant provisions of Part III” means the provisions of that Part except so far as they apply to vocational training.”
- (4) The following section shall be inserted after section 52—

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#### **“52A Construction of references to vocational training.**

In the following provisions, namely—

- (a) sections 51 and 51A, and
- (b) the provisions of any Order in Council modifying the effect of section 52,

“vocational training” includes advanced vocational training and retraining; and any reference to vocational training in those provisions shall be construed as including a reference to vocational guidance.”

#### **Textual Amendments**

**F5** S. 3(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 8](#)

#### **4 Exemption for discrimination under certain provisions concerned with the protection of women at work. E+W+S**

- (1) Without prejudice to the operation of section 51 of the 1975 Act (as substituted by section 3(3) above), nothing in—
  - (a) Part II of that Act,
  - (b) Part III of that Act so far as it applies to vocational training, or
  - (c) Part IV of that Act so far as it has effect in relation to the provisions mentioned in paragraphs (a) and (b) above,shall render unlawful any act done by a person in relation to a woman if it was necessary for that person to do that act in order to comply with any requirement of any of the provisions specified in Schedule 1 to this Act (which are concerned with the protection of women at work).
- (2) Each of the last two entries in that Schedule shall be construed as including a reference to any provision or provisions for the time being having effect in place of the provision or provisions specified in that entry.
- (3) In this section “woman” means a female person of any age.

#### **5 Exemption for discrimination in connection with certain educational appointments. E+W+S**

- (1) Nothing in Parts II to IV of the 1975 Act shall render unlawful any act done by a person in connection with the employment of another person as the head teacher or principal of any educational establishment if it was necessary for that person to do that act in order to comply with any requirement of any instrument relating to the establishment that its head teacher or principal should be a member of a particular religious order.
- (2) Nothing in—
  - (a) Part II of the 1975 Act, or
  - (b) Part IV of that Act so far as it has effect in relation to Part II,shall render unlawful any act done by a person in connection with the employment of another person as a professor in any university if the professorship in question is, in accordance with any Act or instrument relating to the university, either a canon professorship or one to which a canonry is annexed.

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- (3) Nothing in the provisions of the 1975 Act referred to in subsection (2)(a) or (b) shall render unlawful any act done by a person in connection with the employment of another person as the head, a fellow or any other member of the academic staff of any college, or institution in the nature of a college, in a university if it was necessary for that person to do that act in order to comply with any requirement of any instrument relating to the college or institution that the holder of the position in question should be a woman.
- (4) Subsection (3) shall not apply in relation to instruments taking effect after the commencement of that subsection; and section 6(b) of the <sup>M2</sup>Interpretation Act 1978 (words importing the feminine gender to include the masculine) shall not apply to that subsection.
- (5) The Secretary of State may by order provide that any provision of subsections (1) to (3) shall not have effect in relation to—
- (a) any educational establishment or university specified in the order; or
  - (b) any class or description of educational establishments so specified.
- (6) In this section “educational establishment” means—
- (a) any school within the meaning of the <sup>M3</sup>Education Act 1944 or the <sup>M4</sup>Education (Scotland) Act 1980;
  - (b) any college, or institution in the nature of a college, in a university; or
    - [<sup>F6</sup>(ba) any institution designated by order under section 28 of the Further and Higher Education Act 1992]
    - [<sup>F7</sup>(c) any institution designated by order made or having effect as if made under section 129 of the Education Reform Act 1988.]
- (7) Nothing in this section shall be construed as prejudicing the operation of section 19 of the 1975 Act (exemption for discrimination in relation to employment of ministers of religion).

#### Textual Amendments

- F6** S. 5(6)(ba) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 93(a)**; S.I. 1992/831, art. 2, **Sch.3**
- F7** S. 5(6)(c) substituted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 93(b)**; S.I. 1992/831, art. 2, **Sch. 1**

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

- C3** S. 5: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

#### Marginal Citations

- M2** 1978 c. 30.  
**M3** 1944 c. 31.  
**M4** 1980 c. 44.

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**6 Power of Secretary of State to exempt particular acts of discrimination required by or under statute. E+W+S**

- (1) The Secretary of State may by order make such provision as he considers appropriate—
- (a) for disapplying subsection (1) of section 1 above in the case of any provision to which it appears to him that that subsection would otherwise apply;
  - (b) for rendering lawful under any of the provisions of the 1975 Act falling within section 1(2) above acts done in order to comply with any requirement—
    - (i) of a provision whose effect is preserved by virtue of paragraph (a) above, or
    - (ii) of an instrument approved or made by or under an Act passed after the 1975 Act but before this Act (including one approved or made after the passing of this Act).
- (2) Where an Act passed after this Act re-enacts (with or without modification) a provision of an Act passed as mentioned in sub-paragraph (ii) of subsection (1)(b), that provision as re-enacted shall be treated for the purposes of that sub-paragraph as if it continued to be contained in an Act passed as mentioned in that sub-paragraph.

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

C4 S. 6: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

*Discrimination as respects training*

**7 Prohibition of discrimination in connection with provision of training. E+W+S**

- (1) The following section shall be substituted for section 14 of the 1975 Act—

**“14 Persons concerned with provision of vocational training.**

- (1) It is unlawful, in the case of a woman seeking or undergoing training which would help fit her for any employment, for any person who provides, or makes arrangements for the provision of, facilities for such training to discriminate against her—
- (a) in the terms on which that person affords her access to any training course or other facilities concerned with such training, or
  - (b) by refusing or deliberately omitting to afford her such access, or
  - (c) by terminating her training, or
  - (d) by subjecting her to any detriment during the course of her training.
- (2) Subsection (1) does not apply to—
- (a) discrimination which is rendered unlawful by section 6(1) or (2) or section 22 or 23, or
  - (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Act.”
- (2) The following section shall be substituted for section 13 of the <sup>M5</sup>Race Relations Act 1976—

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**“13 Persons concerned with provision of vocational training.**

- (1) It is unlawful, in the case of an individual seeking or undergoing training which would help fit him for any employment, for any person who provides, or makes arrangements for the provision of, facilities for such training to discriminate against him—
  - (a) in the terms on which that person affords him access to any training course or other facilities concerned with such training; or
  - (b) by refusing or deliberately omitting to afford him such access; or
  - (c) by terminating his training; or
  - (d) by subjecting him to any detriment during the course of his training.
- (2) Subsection (1) does not apply to—
  - (a) discrimination which is rendered unlawful by section 4(1) or (2) or section 17 or 18; or
  - (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Act.”
- (3) In section 37 of the <sup>M6</sup>Race Relations Act 1976 (discriminatory training by certain bodies)—
  - (a) in subsection (1), for “a training body” and “it appears to the training body” there shall be substituted “ any person ” and “ it reasonably appears to that person ” respectively;
  - (b) in subsection (2), for “it appears to a training body” and “the training body” there shall be substituted “ it reasonably appears to any person ” and “ that person ” respectively; and
  - (c) the following subsection shall be substituted for subsection (3)—
    - “(3) The preceding provisions of this section shall not apply to any discrimination which is rendered unlawful by section 4(1) or (2).”

<p><b>Marginal Citations</b></p> <p><b>M5</b> 1976 c. 74.</p> <p><b>M6</b> 1976 c. 74.</p>
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**8 Power to exempt discrimination in favour of lone parents in connection with training. E+W+S**

- (1) The Secretary of State may by order provide with respect to—
  - (a) any specified arrangements made under section 2 of the <sup>M7</sup>Employment and Training Act 1973 (functions of the Secretary of State as respects employment and training) [<sup>F8</sup>or under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (arrangements by Scottish Enterprise and Highlands and Islands Enterprise in connection with training etc.)], or
  - (b) any specified class or description of training for employment provided otherwise than in pursuance of [<sup>F9</sup>that section][<sup>F9</sup>either of those sections], <sup>F10</sup>...
  - <sup>F10</sup>(c) .....



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that this section shall apply to such special treatment afforded to or in respect of lone parents in connection with their participation in those arrangements, or in that training or scheme, as is specified or referred to in the order.

- (2) Where this section applies to any treatment afforded to or in respect of lone parents, neither the treatment so afforded nor any act done in the implementation of any such treatment shall be regarded for the purposes of the 1975 Act as giving rise to any discrimination falling within section 3 of that Act (discrimination against married persons for purposes of Part II of that Act).
- (3) An order under subsection (1) above may specify or refer to special treatment afforded as mentioned in that subsection—
- (a) whether it is afforded by the making of any payment or by the fixing of special conditions for participation in the arrangements, training or scheme in question, or otherwise, and
  - (b) whether it is afforded by the Secretary of State or by some other person;
- and, without prejudice to the generality of paragraph (b) of that subsection, any class or description of training for employment specified in such an order by virtue of that paragraph may be framed by reference to the person, or the class or description of persons, by whom the training is provided.
- (4) In this section—
- (a) “employment” and “training” have the same meaning as in the<sup>M8</sup>Employment and Training Act 1973; and
  - (b) “lone parent” has the same meaning as it has for the purposes of any regulations made in pursuance of section 20(1)(a) of the<sup>M9</sup>Social Security Act 1986 (income support).

#### Textual Amendments

- F8** Words inserted (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), [Sch. 4 para. 18\(a\)](#)
- F9** “either of those sections substituted (1.4.1991) for “that section by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), [Sch. 4 para. 18\(b\)](#)
- F10** S. 8(1)(c) and preceding word repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 8](#)

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

- C5** S.8: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

#### Marginal Citations

- M7** 1973 c. 50.  
**M8** 1973 c. 50.  
**M9** 1986 c. 50.

*Removal of restrictions and other requirements relating to employment*

## 9 Repeal or modification of provisions requiring different treatment of different categories of employees. **E+W+S**

<sup>F11</sup>(1) . . . . .

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- <sup>F11</sup>(2) .....
- <sup>F11</sup>(3) .....
- <sup>F11</sup>(4) .....
- <sup>F11</sup>(5) .....
- (6) <sup>F11</sup> ...
- <sup>F11</sup>(a) .....
- (b) the provisions of such legislation mentioned in Part II shall have effect subject to the amendments there specified (which assimilate the treatment of different categories of employees).

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**Textual Amendments**

**F11** S. 9(1)-(6)(a) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 8](#)

**10 Removal of restrictions relating to employment of young persons. U.K.**

- (1) The following enactments, namely—
- (a) the enactments listed in Part I of Schedule 3 (which impose prohibitions or requirements with respect to the hours of employment and holidays of young persons and with respect to related matters), and
  - (b) the enactments listed in Part II of that Schedule (which impose other prohibitions or requirements for, or in connection with, regulating the employment of young persons),
- shall cease to have effect.
- (2) The enactments mentioned in Part III of Schedule 3 shall have effect subject to the amendments there specified (which include amendments by virtue of which certain occupations, instead of being restricted to persons who are 16 or older, are restricted to persons over school-leaving age).
- (3) If the Secretary of State considers it appropriate to do so, he may by order—
- (a) repeal or amend any statutory provision in consequence of subsection (1) or (2);
  - (b) repeal any statutory provision relating to the employment of persons, or any class of persons, who have not attained the age of 18 or (as the case may be) some specified lower age of not less than 16;
  - (c) amend any statutory provision falling within paragraph (b) and framed by reference to a specified age expressed as a number of years so that it is instead framed by reference to school-leaving age;
  - (d) repeal any statutory provision appearing to the Secretary of State to be unnecessary in view of any other such provision, being a provision relating to the employment of persons under school-leaving age.
- (4) Nothing in any order under subsection (3) (apart from a repeal effected by virtue of paragraph (d) of that subsection) shall affect any statutory provision relating to the employment of persons under school-leaving age.

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- (5) Any reference in subsection (3)(d) or (4) to a statutory provision relating to the employment of persons under school-leaving age shall be construed, in relation to a statutory provision which relates to both—
- (a) the employment of such persons, and
  - (b) the employment of persons over that age,
- as a reference to so much of that provision as relates to the employment of persons under that age.
- (6) In this section—
- “school-leaving age means—
- (a) in relation to England and Wales, the upper limit of compulsory school age <sup>F12</sup>(construed in accordance with section 8 of the Education Act 1996)];
  - (b) in relation to Scotland, the upper limit of school age for the purposes of the <sup>M10</sup>Education (Scotland) Act 1980; and
  - (c) in relation to Northern Ireland, the upper limit of compulsory school age for the purposes of the <sup>M11</sup>Education and Libraries (Northern Ireland) Order 1986; and
- “statutory provision means a provision of an Act or of subordinate legislation (and references to the repeal of a statutory provision shall be construed accordingly).

#### Extent Information

**E1** For extent of s. 10 see s. 30(5)(6)(b)

#### Textual Amendments

**F12** Words in s. 10(6) substituted (1.9.1997) by 1996 c. 56, s. 582(1), **Sch. 37 Pt. II**, para. 139 (with ss. 1(4), 410, Sch. 39); S.I. 1997/1623, **art. 2(2)**

#### Marginal Citations

**M10** 1980 c. 44.

**M11** S.I.1986/594 (N.I.3).

## 11 Exemption of Sikhs from requirements as to wearing of safety helmets on construction sites. **E+W+S**

- (1) Any requirement to wear a safety helmet which (apart from this section) would, by virtue of any statutory provision or rule of law, be imposed on a Sikh who is on a construction site shall not apply to him at any time when he is wearing a turban.
- (2) Accordingly, where—
- (a) a Sikh who is on a construction site is for the time being wearing a turban, and
  - (b) (apart from this section) any associated requirement would, by virtue of any statutory provision or rule of law, be imposed—
    - (i) on the Sikh, or
    - (ii) on any other person,in connection with the wearing by the Sikh of a safety helmet, that requirement shall not apply to the Sikh or (as the case may be) to that other person.

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- (3) In subsection (2) “associated requirement” means any requirement (other than one falling within subsection (1)) which is related to or connected with the wearing, provision or maintenance of safety helmets.
- (4) It is hereby declared that, where a person does not comply with any requirement, being a requirement which for the time being does not apply to him by virtue of subsection (1) or (2)—
- (a) he shall not be liable in tort to any person in respect of any injury, loss or damage caused by his failure to comply with that requirement; and
  - (b) in Scotland no action for reparation shall be brought against him by any person in respect of any such injury, loss or damage.
- (5) If a Sikh who is on a construction site—
- (a) does not comply with any requirement to wear a safety helmet, being a requirement which for the time being does not apply to him by virtue of subsection (1), and
  - (b) in consequence of any act or omission of some other person sustains any injury, loss or damage which is to any extent attributable to the fact that he is not wearing a safety helmet in compliance with the requirement,
- that other person shall, if liable to the Sikh in tort (or, in Scotland, in an action for reparation), be so liable only to the extent that injury, loss or damage would have been sustained by the Sikh even if he had been wearing a safety helmet in compliance with the requirement.
- (6) Where—
- (a) the act or omission referred to in subsection (5) causes the death of the Sikh, and
  - (b) the Sikh would have sustained some injury (other than loss of life) in consequence of the act or omission even if he had been wearing a safety helmet in compliance with the requirement in question,
- the amount of any damages which, by virtue of that subsection, are recoverable in tort (or, in Scotland, in an action for reparation) in respect of that injury shall not exceed the amount of any damages which would (apart from that subsection) be so recoverable in respect of the Sikh’s death.
- (7) In this section—
- “building operations” and “works of engineering construction” have the same meaning as in the <sup>M12</sup>Factories Act 1961;
- “construction site” means any place where any building operations or works of engineering construction are being undertaken;
- “injury” includes loss of life, any impairment of a person’s physical or mental condition and any disease;
- “safety helmet” means any form of protective headgear; and
- “statutory provision” means a provision of an Act or of subordinate legislation.
- (8) In this section—
- (a) any reference to a Sikh is a reference to a follower of the Sikh religion; and
  - (b) any reference to a Sikh being on a construction site is a reference to his being there whether while at work or otherwise.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

- (9) This section shall have effect in relation to any relevant construction site within the territorial sea adjacent to Great Britain as it has effect in relation to any construction site within Great Britain.
- (10) In subsection (9) “relevant construction site” means any construction site where there are being undertaken any building operations or works of engineering construction which are activities falling within Article 7(a) of the <sup>M13</sup>Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989.

**Marginal Citations**

**M12** 1961 c. 34.

**M13** S.I. 1989/840.

**12 Protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets. E+W+S**

- (1) Where—
- (a) any person applies to a Sikh any requirement or condition relating to the wearing by him of a safety helmet while he is on a construction site, and
  - (b) at the time when he so applies the requirement or condition that person has no reasonable grounds for believing that the Sikh would not wear a turban at all times when on such a site,
- then, for the purpose of determining whether the application of the requirement or condition to the Sikh constitutes an act of discrimination falling within section 1(1)(b) of the <sup>M14</sup>Race Relations Act 1976 (indirect racial discrimination), the requirement or condition shall be taken to be one which cannot be shown to be justifiable as mentioned in sub-paragraph (ii) of that provision.
- (2) Any special treatment afforded to a Sikh in consequence of section 11(1) or (2) above shall not be regarded for the purposes of the Race Relations Act 1976 as giving rise, in relation to any other person, to any discrimination falling within section 1 of that Act.
- (3) Subsections (7) to (10) of section 11 above shall apply for the purposes of this section as they apply for the purposes of that section.

**Marginal Citations**

**M14** 1976 c. 74.

*Written statements of terms of employment*

<sup>F13</sup>**13 Provision of particulars of disciplinary procedures. E+W+S**

.....,

**Textual Amendments**

**F13** S. 13 repealed (30.11.1993) by 1993 c.19, s. 51, **Sch.10**; S.I. 1993/2503, art. 2(2), **Sch.2**.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

*Time off for trade union duties*

<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**

*Reasons for dismissal*

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

**Textual Amendments**  
F15 S. 15 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*Redundancy*

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

**Textual Amendments**  
F16 S. 16 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

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

**Textual Amendments**  
F17 S. 17 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

*Insolvency*

<sup>F18</sup>18 ..... **E+W+S**

**Textual Amendments**  
F18 S. 18 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 22/07/2004. This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**19** **E+W+S**

- F19 (1) .....
- F20 (2) .....

**Textual Amendments**

- F19 S. 19(1) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)
- F20 S. 19(2) repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. 1**; S.I. 1994/86, **art. 2**

*Pre-hearing reviews*

**F21 20** ..... **E+W+S**

**Textual Amendments**

- F21 S. 20 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

*Removal of requirement to register storage of film*

**F22 21** **Removal of requirement to notify local authority of storage of celluloid film.** **E+W+S**

.....

**Textual Amendments**

- F22 S. 21 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

*Dissolution of Training Commission*

**22** **Dissolution of Training Commission.** **U.K.**

- (1) The Training Commission shall be dissolved on the date on which this Act is passed.
- (2) Subject to subsection (3), all the property, rights and liabilities to which the Training Commission was entitled or subject immediately before that date shall on that date become property, rights and liabilities of the Secretary of State for Employment.
- (3) Any liability in respect of pensions, superannuation allowances or gratuities which, but for the passing of this Act, would have arisen or existed on or after that date as a liability of the Training Commission to or in respect of the chairman or any former chairman of the Commission shall instead be a liability of the Paymaster General.
- (4) The <sup>M15</sup>Industrial Training Act 1982 shall have effect subject to the amendments specified in Schedule 4 to this Act (by virtue of which functions of the Training Commission under that Act are transferred to the Secretary of State).

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

- (5) Schedule 5 to this Act shall have effect for the purpose of supplementing the provisions of this section.
- (6) References in this Act to property, rights and liabilities of the Training Commission are references to all such property, rights and liabilities, whether or not capable of being transferred or assigned by the Commission.

#### Marginal Citations

M15 1982 c. 10.

### *Industrial training boards*

#### 23 Consultation in connection with industrial training orders. **E+W+S**

In section 1 of the Industrial Training Act 1982 (establishment of industrial training boards), the following subsection shall be substituted for subsections (4) and (5)—

- “(4) Before making an industrial training order the Secretary of State shall consult—
- (a) such organisations or associations of organisations appearing to him to be representative of substantial numbers of employers, and such bodies established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, as he thinks fit; and
  - (b) such other organisations, associations or bodies (if any) as he thinks fit.”

#### 24 Transfer of assets or staff of industrial training boards. **E+W+S**

- (1) The following sections shall be inserted after section 3 of the <sup>M16</sup>Industrial Training Act 1982—

##### **“3A Transfer of assets on revocation or amendment of industrial training order.**

- (1) Where an order has been made under section 1 above which—
- (a) revokes an industrial training order, or
  - (b) amends such an order so as to exclude from the scope of operation of an industrial training board some of the activities in relation to which it exercises functions,
- the board concerned—
- (i) may with the consent of the Secretary of State, or
  - (ii) shall if he so directs,
- transfer all or any of its assets to any person on trust to be used for charitable purposes which are related to or connected with training for employment.
- (2) A transfer under subsection (1) above may be made for a consideration which is less than the market value of the assets transferred or for no consideration; and different assets may be transferred by a board under that subsection to different persons.



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*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

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- (3) It is hereby declared that a transfer under subsection (1) above may be made in a case where an industrial training order is revoked even if the assets of the board concerned are (or will be after the transfer) insufficient to meet its liabilities and the expenses of the winding up of the board in pursuance of section 4(1) below.
- (4) Subject to subsection (5) below, the provisions of section 15(5) to (9) below shall apply in relation to any direction given by the Secretary of State under subsection (1) above as they apply in relation to any direction given by him under section 15(1) or (2) below.
- (5) Where any such direction is given in a case where an industrial training order is revoked, those provisions shall so apply with the omission from section 15(6) below of the words from “during such period” onwards.

### **3B Transfer of staff employed by boards.**

- (1) If arrangements are made (whether in connection with a transfer of assets under section 3A(1) above or otherwise) for any activities of an industrial training board to be carried on by some other person (“the transferee”) as from a particular date, this section shall have effect in relation to any employee of the board who, immediately before that date, was employed wholly or mainly in connection with those activities.
  - (2) The Transfer of Undertakings (Protection of Employment) Regulations 1981 shall apply in relation to any such employee of the board in accordance with subsection (3) below.
  - (3) For the purposes of the application of those Regulations in relation to any such employee, the activities referred to in subsection (1) above shall (whether or not they would otherwise be so regarded) be regarded—
    - (a) as constituting an undertaking within the meaning of those Regulations which is transferred from the board to the transferee on the date referred to in that subsection, and
    - (b) as being so transferred by a transfer to which those Regulations apply and which is completed on that date.
  - (4) A certificate issued by an industrial training board, in connection with any such arrangements as are referred to in subsection (1) above, to the effect that a person was, immediately before the date referred to in that subsection, employed by the board wholly or mainly in connection with the activities to which the arrangements relate shall be conclusive evidence of the facts stated in the certificate.”
- (2) In section 4(2) of the <sup>M17</sup>Industrial Training Act 1982 (winding up of industrial training boards), the following provisions shall be substituted for paragraph (b)—
- “(b) for any assets of the board which are not required to meet those liabilities and expenses to be transferred to the Secretary of State and for those assets to be applied for purposes specified in the order.

Any reference in this subsection to the assets of the board is a reference to the assets (if any) held by it after the making of any transfer or transfers under section 3A(1) above.”

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

#### Marginal Citations

M16 1982 c. 10.

M17 1982 c. 10.

## 25 Constitution of industrial training boards. **E+W+S**

(1) In Schedule 1 to the Industrial Training Act 1982 (constitution etc. of industrial training boards), the following paragraph shall be substituted for paragraph 3—

- “3 (1) An industrial training board shall consist of—
- (a) a chairman and, if the Secretary of State thinks fit, a deputy chairman, each of whom shall be a person appearing to the Secretary of State to have industrial or commercial experience;
  - (b) such number of persons appointed after the appropriate consultation as the Secretary of State thinks fit; and
  - (c) such other persons (if any) whom it appears to the Secretary of State to be appropriate to appoint in addition to those appointed by virtue of paragraph (b) above.
- (2) A person appointed by virtue of sub-paragraph (1)(b) above shall at the time of his appointment be a person appearing to the Secretary of State to be concerned (whether as a director, manager or sole proprietor or otherwise) in the management of the activities, or any of the activities, of an employer engaging in the industry; and the reference in that provision to the appropriate consultation is a reference to consultation with such organisations, or associations of organisations, representative of employers engaging in the industry as appear to the Secretary of State to be appropriate.
- (3) The Secretary of State shall not make any appointment by virtue of sub-paragraph (1)(c) above if to do so would result in the number of persons for the time being appointed by virtue of that provision being equal to, or greater than, the number of persons for the time being appointed by virtue of sub-paragraph (1)(b) above.
- (4) References in the following provisions of this Schedule to a chairman include a deputy chairman.”
- (2) Subject to subsection (4) below, the Secretary of State may reconstitute the membership of an industrial training board as from any time after the passing of this Act—
- (a) by terminating such of the appointments of its existing members as would otherwise expire after that time, and
  - (b) by making fresh appointments to it, as from that time, in accordance with the provisions substituted by subsection (1) above.
- (3) The termination of a person’s appointment to an industrial training board in accordance with paragraph (a) of subsection (2) above shall not preclude him from being re-appointed to the board in pursuance of paragraph (b) of that subsection.

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

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- (4) The power conferred on the Secretary of State by subsection (2) above shall not be exercisable in relation to an industrial training board if all of its members were appointed to it in accordance with the provisions substituted by subsection (1) above (whether they were so appointed in pursuance of subsection (2)(b) above or otherwise).

*Transfer of staff employed in Skills Training Agency*

**26 Transfer of staff employed in Skills Training Agency. E+W+S**

- (1) If the Secretary of State makes arrangements—
- (a) for any designated undertaking to be carried on by some other person as from a particular date, and
  - (b) for that person to become the employer of the persons who, immediately before that date, are employed in the civil service of the State in that undertaking,
- this section shall have effect in relation to those employees.
- (2) In this section—
- “designated undertaking” means such activities as the Secretary of State may by order designate for the purposes of this section, being—
- (a) all or any of the activities for the time being carried on at or from any Skillcentre specified in the order, or
  - (b) all or any of the activities so carried on at or from any two or more Skillcentres so specified, or
  - (c) any other activities for the time being carried on by the Skills Training Agency;
- “the new employer” means the person referred to in subsection (1)(a);
- “the relevant employees” means the employees referred to in subsection (1)(b); and
- “the specified date” means the date referred to in subsection (1)(a).
- (3) The <sup>M18</sup>Transfer of Undertakings (Protection of Employment) Regulations 1981 shall apply in relation to the relevant employees in accordance with subsections (4) and (5).
- (4) For the purposes of the application of those Regulations in relation to any of those employees, the designated undertaking referred to in subsection (1)(a) shall (whether or not it would otherwise be so regarded) be regarded—
- (a) as an undertaking within the meaning of those Regulations which is transferred from the Secretary of State to the new employer on the specified date, and
  - (b) as being so transferred by a transfer to which those Regulations apply and which is completed on that date.
- (5) Those Regulations shall apply in relation to any of the relevant employees as if, as respects any time before the specified date—
- (a) any reference to a person’s contract of employment included a reference to his employment in the civil service of the State or to the terms of that employment, as the context may require, and

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

- (b) any reference to the dismissal of a person included a reference to the termination of his employment in that service.
- (6) Where any person is, in pursuance of any arrangements falling within subsection (1), to cease to be employed in the civil service of the State and to become employed by the new employer, none of the agreed redundancy procedures applicable to persons employed in that service shall apply to him.
- (7) Where, in pursuance of any such arrangements, a person ceases to be employed in the civil service of the State and becomes employed by the new employer, he shall not, on ceasing to be employed in that service, be treated for the purposes of any scheme under section 1 of the <sup>M19</sup>Superannuation Act 1972 as having been retired on redundancy.
- (8) A certificate issued by the Secretary of State to the effect that a person was, immediately before a particular date, employed in the civil service of the State in a designated undertaking shall be conclusive evidence of the facts stated in the certificate.

#### Marginal Citations

M18 S.I. 1981/1794.

M19 1972 c. 11.

### General

#### 27 Power to make corresponding provision for Northern Ireland. **N.I.**

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M20</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of any of the following provisions of this Act, namely, sections 1 to 6, 7(1), 8 to 11 <sup>F23</sup>. . . —
- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House.
- (2) It is hereby declared that for the purposes of the <sup>M21</sup>Northern Ireland Constitution Act 1973 a provision contained in—
- (a) an Order in Council under paragraph 1(1)(b) of Schedule 1 to the said Act of 1974 which states that it is made only for purposes corresponding to section 1, 2, 6 or 10(3) to (6) of this Act, or
- (b) any statutory rule for the purposes of the <sup>M22</sup>Statutory Rules (Northern Ireland) Order 1979 made under such an Order as is mentioned in paragraph (a),
- is not a provision dealing with an excepted matter.

#### Textual Amendments

F23 Words in s. 27(1) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

#### Marginal Citations

M20 1974 c. 28.

M21 1973 c. 36.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**M22** S.I. 1979/1573 (N9..I. 12).

## **28 Orders.** **E+W+S**

- (1) Any power to make an order under this Act shall be exercisable by statutory instrument.
- (2) The Secretary of State shall consult the Equal Opportunities Commission before making—
  - (a) an order under section 2 which makes any amendment or repeal of any provision of an Act, or
  - (b) an order under section 6.
- (3) An order of one of the following descriptions, namely—
  - (a) such an order under section 2 as is mentioned in subsection (2)(a), or
  - (b) an order under section 6(1)(a) which preserves the effect of any provision of an Act,shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (4) Any statutory instrument containing an order under this Act other than—
  - (a) an order to which subsection (3) applies,
  - (b) an order under section 26, or
  - (c) an order under section 30,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) An order under this Act may contain such consequential or transitional provisions or savings as appear to the Secretary of State to be necessary or expedient.

## **29 Interpretation, minor and consequential amendments, repeals, etc.** **U.K.**

- (1) In this Act—
  - “the 1975 Act” means the <sup>M23</sup>Sex Discrimination Act 1975;  
” <sup>F24</sup> . . .
  - “act” includes a deliberate omission;
  - “subordinate legislation” has the same meaning as in the <sup>M24</sup>Interpretation Act 1978;
  - “vocational training” includes advanced vocational training and retraining.
- (2) Any reference in this Act to vocational training shall be construed as including a reference to vocational guidance.
- (3) The enactments mentioned in Schedule 6 shall have effect subject to the minor and consequential amendments specified in that Schedule.
- (4) The enactments mentioned in Schedule 7 (which include some spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (5) The instruments mentioned in Schedule 8 are hereby revoked to the extent specified in the third column of that Schedule.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

(6) The transitional provisions and savings contained in Schedule 9 shall have effect.

#### Textual Amendments

**F24** Definition in s. 29(1) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. 1** (with ss. 191-195, 202)

#### Marginal Citations

**M23** 1975 c. 65.

**M24** 1978 c. 30.

### 30 Short title, commencement and extent. **U.K.**

(1) This Act may be cited as the Employment Act 1989.

<sup>F25</sup>(2) .....

<sup>F25</sup>(3) .....

<sup>F25</sup>(4) .....

(5) With the exception of the provisions mentioned in subsection (6), this Act does not extend to Northern Ireland.

(6) Those provisions are—

- (a) sections 10(1) and (2) and 29(3) and (4) and Schedules 3, 6 and 7 so far as they amend or repeal any enactment which extends to Northern Ireland (other than an enactment contained in the <sup>M25</sup>Celluloid and Cinematograph Film Act 1922);
- (b) section 10(6);
- (c) paragraph 2 of Schedule 5 and section 22(5) so far as relating thereto;
- (d) section 27 (which extends only to Northern Ireland); and
- (e) this section.

#### Textual Amendments

**F25** S. 30(2)-(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

#### Marginal Citations

**M25** 1922 c. 35.

*Status:* Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1 **E+W+S**

Section 4.

#### PROVISIONS CONCERNED WITH PROTECTION OF WOMEN AT WORK

##### *Enactments*

Section 61 of the <sup>M26</sup>Factory and Workshop Act 1901, as set out in Schedule 5 to the <sup>M27</sup>Factories Act 1961.

##### **Marginal Citations**

**M26** 1901 c. 22.

**M27** 1961 c. 34.

Section 205 of the <sup>M28</sup>Public Health Act 1936.

##### **Marginal Citations**

**M28** 1936 c. 49.

Sections 74, 128 and 131 of the <sup>M29</sup>Factories Act 1961.

##### **Marginal Citations**

**M29** 1961 c. 34.

##### *Statutory instruments*

Regulation 3 of the <sup>M30</sup>Regulations dated 21st January 1907 (Manufacture of paints and colours).

##### **Marginal Citations**

**M30** S.R.& O.1907/17.

Regulation 10 of the <sup>M31</sup>Regulations dated 12th August 1911 (Smelting of materials containing lead, the manufacture of red or orange lead, and the manufacture of flaked litharge).

##### **Marginal Citations**

**M31** S.R.& O.1911/752.

Regulation 1 of the <sup>M32</sup>Indiarubber Regulations 1922.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**Marginal Citations**

**M32** S.R.& O.1922/329.

Regulation 1(ii) of the <sup>M33</sup>Electric Accumulator Regulations 1925.

**Marginal Citations**

**M33** S.R.& O.1925/28.

Regulation 6(1)(i) to (vi) of the <sup>M34</sup>Pottery (Health and Welfare) Special Regulations 1950.

**Marginal Citations**

**M34** S.I.1950/65.

[<sup>F26</sup>Paragraphs 5 and 11 of Schedule 4 to the Ionising Radiations Regulations 1999 [S.I. 1999/3232]]

**Textual Amendments**

**F26** Words in [Sch. 1](#) substituted (1.1.2000) by S.I. 1999/3232, reg. 41(1), [Sch. 9 para. 1](#)

Article 20(8) of the <sup>M35</sup>Air Navigation Order 1985 so far as relating to pregnancy.

**Marginal Citations**

**M35** S.I.1985/1643.

*Other instruments*

Paragraph 118 of the Approved Code of Practice relating to the <sup>M36</sup>Control of Lead at Work Regulations 1980 (approved under section 16 of the <sup>M37</sup>Health and Safety at Work etc. Act 1974).

**Marginal Citations**

**M36** S.I.1980/1248.

**M37** 1974 c. 37.

The following provisions of the medical standards contained in Merchant Shipping Notice No. M 1331 (issued for the purposes of Regulation 7 of the <sup>M38</sup>Merchant Shipping (Medical Examination) Regulations 1983), namely—

- (a) Part X so far as relating to gynaecological conditions, and
- (b) Part XI.



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**Marginal Citations**

**M38** S.I.1983/808.

**Marginal Citations**

**M36** S.I.1980/1248.

**M37** 1974 c. 37.

**M38** S.I.1983/808.

SCHEDULE 2 **E+W+S**

Section 9.

REVOCATION ETC. OF SUBORDINATE LEGISLATION  
REQUIRING DIFFERENT TREATMENT OF CERTAIN EMPLOYEES

<sup>F27</sup>**PART I** **E+W+S**

PROVISIONS REVOKED

**Textual Amendments**

**F27** Sch. 2 Pt. I repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

**PART II** **E+W+S**

AMENDMENTS

<sup>F28</sup>**1**

**Textual Amendments**

**F28** Sch. 2 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

<sup>F29</sup>**2**

**Textual Amendments**

**F29** Sch. 2 para. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

**3**

In each of the following provisions, namely—  
for “sanitary convenience provided at the mine for the use of females” substitute “  
water closet provided at the mine above ground”.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

- 4 In Regulation 13(1) of the <sup>M39</sup>Quarries (Ropeways and Vehicles) Regulations 1958, for “, other than a male person who has attained” substitute “ under ”.

**Marginal Citations**  
**M39** S.I. 1958/2110.

SCHEDULE 3 **U.K.**

Section 10.

REMOVAL OF RESTRICTIONS RELATING TO EMPLOYMENT OF YOUNG PERSONS

<sup>F30</sup>**PART I U.K.**

REPEALS RELATING TO RESTRICTIONS WITH RESPECT  
 TO HOURS OF EMPLOYMENT AND HOLIDAYS

**Textual Amendments**

**F30** Sch. 3 Pt. I repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

<sup>F31</sup>**PART II U.K.**

REPEALS RELATING TO OTHER REQUIREMENTS

**Textual Amendments**

**F31** Sch. 3 Pt. II repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

**PART III U.K.**

AMENDMENT OF CERTAIN AGE LIMITS

**U.K.**

EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN ACT 1920 (C.65)

- 1 In section 1 (obligation of employer to keep register of young persons employed in industrial undertaking), for subsection (4) substitute—

“(4) Where persons under the age of sixteen years are employed in any industrial undertaking, a register of all persons under that age who are so employed,

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

and of the dates of their birth, shall be kept and shall at all times be open to inspection.”

**U.K.**

CHILDREN AND YOUNG PERSONS ACT 1933 (C.12)

- 2 In section 20 (street trading)—
- (a) for subsection (1) substitute—

“(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.”;
  - (b) in subsection (2), for the words from “regulating” to “eighteen years,” substitute “authorising children who have attained the age of fourteen years to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;”; and
  - <sup>F32</sup>(c) .....

**Textual Amendments**

**F32** Sch. 3 Pt. III, para. 2(c) repealed (E. W.) (26.8.1994) by 1994 c. 20, s. 9(2), Sch. 5; S.I. 1994/1841, art. 2

- 3 In section 21(3) (penalties and legal proceedings in respect of general provisions as to employment), for “person under the age of eighteen years” substitute “child”.
- 4 In section 23 (prohibition on persons under 16 taking part in performances endangering life and limb)—
- (a) for “person under the age of sixteen years” substitute “child”; and
  - (b) for “such a person” substitute “a child”.
- 5 In section 24 (restrictions on training for performances of a dangerous nature)—
- (a) in subsection (1)—
    - (i) for “person”, in the first place where it occurs, substitute “child”, and
    - (ii) for “person under the age of sixteen years” substitute “child who has attained that age”; and
  - (b) in subsection (2), for “person who has attained the age of twelve years but is under the age of sixteen years” substitute “child who has attained the age of twelve years”.
- 6 In section 25 (restriction on persons under 18 going abroad for the purpose of performing for profit)—
- (a) in subsection (1), for “person under the age of eighteen years”, in both places where those words occur, and for “person under that age” substitute “child”; and
  - (b) in subsection (2), for “person who has attained the age of fourteen years but is under the age of eighteen years” substitute “child who has attained the age of fourteen years”.
- 7 In section 26 (punishment of contraventions of section 25, etc.)—
- (a) in subsection (1), for “the person” substitute “the child in question”; and

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- (b) in subsection (2)—
- (i) for “a person under the age of eighteen years” substitute “ a child ”,
  - (ii) for “that person” substitute “ that child ”, and
  - (iii) for “the person in question” substitute “ the child ”.
- 8 In section 30 (interpretation of provisions about the employment of children)—
- (a) after “made thereunder—” insert—
- “The expression “child” means—
- (a) in relation to England and Wales, a person who is not for the purposes of the Education Act 1944 over compulsory school age;
  - (b) in relation to Scotland, a person who is not for the purposes of the Education (Scotland) Act 1980 over school age; and
  - (c) in relation to Northern Ireland, a person who is not for the purposes of the Education and Libraries (Northern Ireland) Order 1986 over compulsory school age;”;
- (b) at the end of that section add the following subsection—
- “(2) This section, so far as it has effect for the purposes of sections 25 and 26 of this Act, extends to Scotland and to Northern Ireland.”;
- and the existing provisions of that section (as amended by sub-paragraph (a) above) shall accordingly constitute subsection (1) of that section.

**E+W+S**

CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (C.37)

- 9 In section 30 (street trading)—
- (a) for subsection (1) substitute—
- “(1) Subject to subsection (2) of this section, no child shall engage or be employed in street trading.”; and
- (b) in subsection (2), for the words from “regulating” to “eighteen years,” substitute “authorising children who have attained the age of fourteen years to be employed by their parents in street trading to such extent as may be specified in the byelaws, and for regulating street trading under the byelaws by persons who are so authorised to be employed in such trading;”.
- 10 In section 31(3) (penalties and legal proceedings in respect of general provisions as to employment), for “person under the age of eighteen years” substitute “ child ”.
- 11 In section 33 (prohibition on persons under 16 taking part in performances endangering life and limb)—
- (a) for “person under the age of sixteen years” substitute “child”; and
  - (b) for “such a person” substitute “a child”.
- 12 In section 34 (restrictions on training for performances of a dangerous nature)—
- (a) in subsection (1)—
- (i) for “person”, in the first place where it occurs, substitute “ child ”, and

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- (ii) for “person under the age of sixteen years” substitute “ child who has attained that age ”; and
  - (b) in subsection (2), for “person who has attained the age of twelve years but is under the age of sixteen years” substitute “ child who has attained the age of twelve years ”.
- 13 In section 37 (interpretation of provisions about the employment of children), after “made thereunder—” insert—
- “(a) The expression “child” means a person who is not for the purposes of the Education (Scotland) Act 1980 over school age;”.

**E+W+S**

FACTORIES ACT 1961 (C.34)

- 14 In section 117(1) (exemptions from provisions regulating hours of employment), for “of or over the age of sixteen” substitute “ (other than children) ”.

SCHEDULE 4 **E+W+S**

Section 22(4).

DISSOLUTION OF TRAINING COMMISSION:  
AMENDMENTS OF THE INDUSTRIAL TRAINING ACT 1982

- 1 (1) Section 1 (establishment of industrial training boards) shall be amended as follows.
- <sup>F33</sup>(2) .....
- <sup>F34</sup>(3) .....
- (4) In subsection (7), for “section 3(2)” substitute “ section 3(1)(b) ”.

**Textual Amendments**

**F33** Sch. 4 para. 1(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

**F34** Sch. 4 para. 1(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 2 In section 2(1) (power of industrial training boards to delegate functions to committees with approval of Training Commission), for “Commission” substitute “ Secretary of State ”.
- 3 For section 3 substitute—

**“3 Transfer of establishments’ activities from industry of one board to that of another.**

- (1) If an employer in the industry of an industrial training board requests the Secretary of State in writing to secure that the activities carried on at a particular establishment of the employer shall, instead of being included for the purposes of this Act in that industry, be included for those purposes in the industry of another industrial training board, the Secretary of State—
- (a) shall consult both boards in question about the request; and

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

(b) after such consultation, may if he thinks fit make an order giving effect to that request.

(2) The power to make an order under this section shall be exercisable by statutory instrument.”

4 (1) Section 5 (functions of industrial training boards) shall be amended as follows.

(2) In subsections (3)(b) and (6), for “Commission”, wherever occurring, substitute “ Secretary of State ”.

(3) In subsection (5)—

(a) for “Commission for its”, in both places where those words occur, substitute “ Secretary of State for his ”; and

(b) for “Commission and approved by it” substitute “ Secretary of State and approved by him ”.

F355 .....

**Textual Amendments**  
F35 Sch. 4 para. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

6 (1) Section 7 (exercise of power of industrial training board to obtain information) shall be amended as follows.

(2) In subsection (1)—

(a) for the words from “Commission may” to “State,” substitute “ Secretary of State may ”; and

(b) for the words from “Commission considers” to “purposes of its” substitute “ Secretary of State considers that he needs for the purposes of his ”.

(3) In subsection (2), for the words from “Commission and” to “as the Commission” substitute “ Secretary of State and contain such information as he ”.

F36(4) .....

**Textual Amendments**  
F36 Sch. 4 para. 6(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

7 (1) Section 8 (reports and accounts) shall be amended as follows.

(2) In subsection (1), for the words from “Commission” to “State and” substitute “ Secretary of State may, with the approval of ”.

(3) In subsection (3), for “Commission” substitute “ Secretary of State ”.

(4) In subsection (4), for the words from “Commission” to “and he” substitute “ Secretary of State ”.

F378 .....

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**Textual Amendments**

**F37** Sch. 4 para. 8 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

<sup>F38</sup>9 . . . . .

**Textual Amendments**

**F38** Sch. 4 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 10 (1) Section 11 (levies) shall be amended as follows.
- (2) In subsection (1)—
  - (a) for “Commission for the Commission’s approval” substitute “ Secretary of State ”; and
  - <sup>F39</sup>(b) . . . . .
- (3) In subsection (2), for “approved by the Commission” substitute “ submitted to him ”.
- (4) In subsection (5), for the words from “Commission” to “for that purpose” substitute “ Secretary of State shall not make a levy order in pursuance of the levy proposals unless he is satisfied that they are necessary to encourage adequate training in the industry ”.

**Textual Amendments**

**F39** Sch. 4 para. 10(2)(b) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 11 In section 12(1) (information to be included in levy proposals)—
  - (a) for “Commission” substitute “ Secretary of State ”; and
  - (b) for “the Secretary of State” substitute “ him ”.
- 12 (1) Section 13 (proposals for exemption certificates) shall be amended as follows.
- (2) In subsection (1), for “Commission for its” substitute “ Secretary of State for his ”.
- <sup>F40</sup>(3) . . . . .
- (4) For subsection (5) substitute—
 

“(5) If the Secretary of State approves proposals submitted to him by a board under subsection (1) above and informs the board of his approval, the board shall arrange for them to be published as soon as practicable in a manner approved by the Secretary of State.”

**Textual Amendments**

**F40** Sch. 4 para. 12(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 13 (1) Section 15 (default powers in relation to proposals) shall be amended as follows.
- (2) In subsection (1)—
  - (a) for “Commission” substitute “ Secretary of State ”; and

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(b) for “to it” substitute “ to him ”.

(3) For subsection (2) substitute—

“(2) Where proposals submitted to the Secretary of State under section 5(5), 11(1) or 13(1) above appear unsatisfactory to him, he may direct the board to submit fresh proposals within a specified time, stating in the direction in what respect the proposals already submitted appear to him unsatisfactory; and where the fresh proposals also appear unsatisfactory to the Secretary of State, he may make an order (in this section referred to as “a default order”) declaring the board to be in default.”

<sup>F41</sup>(4) . . . . .

(5) For subsection (5) substitute—

“(5) Where a board has failed to comply with a direction of the Secretary of State under subsection (1) or (2) above within the time specified in the direction, he may make a default order.”

**Textual Amendments**  
**F41** Sch. 4 para. 13(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

<sup>F42</sup>14 . . . . .

**Textual Amendments**  
**F42** Sch. 4 para. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 15 (1) Section 17 (financial provisions) shall be amended as follows.
- (2) In subsection (1), for the words from “Commission” to “State” substitute “ Secretary of State may ”.
- (3) In subsection (2)—
  - (a) for “Commission”, in the first place where it occurs, substitute “ Secretary of State ”; and
  - (b) for “the Commission”, in the second place where those words occur, substitute “ he ”.
- (4) In subsection (3)—
  - (a) for “Commission”, in the first place where it occurs, substitute “ Secretary of State ”; and
  - (b) for “the Commission”, in the second place where those words occur, substitute “ him ”.
- (5) In subsection (5), for “Commission” substitute “ Secretary of State ”.

16 (1) Paragraph 7 of Schedule 1 (persons entitled to attend meetings of industrial training board or committees of board) shall be amended as follows.

<sup>F43</sup>(2) . . . . .

(3) In sub-paragraph (2), for “Commission” substitute “ Secretary of State ”.



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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

### Textual Amendments

**F43** Sch. 4 para. 16(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

## SCHEDULE 5 U.K.

Section 22(5).

### DISSOLUTION OF TRAINING COMMISSION: SUPPLEMENTARY PROVISIONS

#### *Interpretation*

- 1 In this Schedule—
- “the 1982 Act” means the <sup>M40</sup>Industrial Training Act 1982;
  - “the 1988 Order” means the <sup>M41</sup>Training Commission (Incidental and Transitional Provisions) Order 1988;
  - “the Commission” means the Training Commission; and
  - “the relevant Minister” (subject to paragraph 5(3) of this Schedule) means—
    - (a) in relation to any function of the Commission, the Secretary of State; and
    - (b) in relation to any property, right or liability of the Commission, the Secretary of State for Employment.

### Marginal Citations

**M40** 1982 c. 10.

**M41** S.I. 1988/1905.

#### *Incorporation of Secretary of State for Employment*

- 2
- (1) The person who on the date on which this Act is passed is Secretary of State for Employment and his successors shall be, by that name, a corporation sole, with a corporate seal.
  - (2) The corporate seal of the Secretary of State for Employment shall be authenticated by the signature of a Secretary of State or of a Secretary to the Department of Employment, or by a person authorised by a Secretary of State to act for the purpose.
  - (3) The corporate seal of the Secretary of State for Employment shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Secretary of State for Employment and to be sealed with that seal authenticated in the manner provided by sub-paragraph (2), or to be signed or executed by a Secretary to the Department of Employment, or a person authorised as mentioned in that sub-paragraph, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.
  - (4) A certificate signed by the Secretary of State for Employment that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

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- (5) Any document made or issued at any time before the date on which this Act is passed—
- (a) by the Secretary of State for Employment (whether as such or as the Secretary of State for Employment and Productivity), or
  - (b) by the Minister of Labour in connection with matters which, on that date, fall within the responsibilities of the Secretary of State for Employment,
- shall, if effective immediately before that date, have effect as from that date as if it had been made or issued by the Secretary of State for Employment as a corporation sole; and where the document was sealed or signed as mentioned in section 11(2) of the <sup>M42</sup>New Ministries and Secretaries Act 1916 (as in force at the time of the sealing or signing of the document) it shall have effect as from that date as if it had been sealed or (as the case may be) signed as mentioned in sub-paragraph (3) above.
- (6) Accordingly any document to which section 11(2) of that Act applied immediately before that date shall be treated for the purposes of sub-paragraph (3) above as if it were a document purporting to be such an instrument as is mentioned in that sub-paragraph; and the repeal by this Act of section 11(3) of that Act shall not affect the validity of any certificate issued before that date in pursuance of that provision.

#### **Marginal Citations**

**M42** 1916 c. 68.

#### *Provisions as to the vesting of property etc. of Commission*

- 3 (1) Anything done by or in relation to the Commission, if in force or effective immediately before the date on which this Act is passed, shall have effect, so far as may be required for continuing its effect on or after that date, as if done by or in relation to the relevant Minister.
- (2) Anything which immediately before that date was in the process of being done by or in relation to the Commission may be continued on or after that date by or in relation to the relevant Minister.
- (3) This paragraph applies in particular to things done by or in relation to the Commission for purposes of, or in connection with, functions which are transferred to the Secretary of State by section 22(4) of, and Schedule 4 to, this Act; but sub-paragraph (1) is subject to paragraph 7 of this Schedule.
- 4 <sup>F44</sup>(1) .....
- (2) Every agreement (whether written or not), and every instrument or other document, which relates to any function, property, right or liability of the Commission shall have effect, so far as may be required for continuing its effect on or after the date on which this Act is passed, as if—
- (a) where the Commission is a party to it, the relevant Minister were substituted as that party,
  - (b) for any reference to the Commission (including any reference which is to be construed as such a reference) there were substituted a reference to the relevant Minister,
  - (c) for any reference (however worded and whether express or implied) to the chairman or deputy chairman or any member of the Commission (including

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any reference which is to be construed as such a reference) there were substituted a reference to such officer or officers as the relevant Minister shall appoint for the purpose, and

- (d) for any reference to the office or place of business of the Commission (including any reference which is to be construed as such a reference) there were substituted a reference to the principal office of the relevant Minister.

**Textual Amendments**

**F44** Sch. 5 para. 4(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

- 5
- (1) The power of the Secretary of State to make determinations under paragraph 6 of Schedule 1 to the <sup>M43</sup>Employment and Training Act 1973 shall, notwithstanding the repeal by this Act of that paragraph, continue to be exercisable by him in relation to preserved pensions.
  - (2) Any function which immediately before the date on which this Act is passed was a function of the Commission in relation to preserved pensions (other than its function of making payments in respect of such pensions) shall on that date become a function of the Secretary of State.
  - (3) References to the relevant Minister in paragraphs 3 and 4 of this Schedule shall, in the application of those paragraphs in relation to—
    - (a) the Commission’s function of making payments in respect of preserved pensions, or
    - (b) any liability in respect of such pensions which is transferred by section 22(3) of this Act,be construed as references to the Paymaster General.
  - (4) In this paragraph “preserved pensions” means pensions, superannuation allowances or gratuities in respect of which liabilities are transferred to the Paymaster General by section 22(3) of this Act.

**Marginal Citations**

**M43** 1973 c. 50.

*Final accounts*

<sup>F45</sup>6

**Textual Amendments**

**F45** Sch. 5 para. 6 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

*Provisions relating to the 1982 Act*

- 7
- Where anything done by the Commission before the date on which this Act is passed for the purposes of any provision of the 1982 Act required the approval of the Secretary of State, it shall not have effect by virtue of paragraph 3(1) of this Schedule as if done by the Secretary of State unless it was done with his approval.

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- 8 It is hereby declared for the avoidance of doubt that where before the date on which this Act is passed—
- (a) levy proposals were approved by the Commission under section 11(1) of the 1982 Act, or
  - (b) proposals for the issue of exemption certificates were approved by the Commission under section 13 of the 1982 Act,
- the proposals shall not by virtue of paragraph 3(1) of this Schedule be taken to have been approved by the Secretary of State.
- 9 (1) For the purposes of subsection (4) of section 1 of the 1982 Act (as substituted by section 23 of this Act) any consultation carried out by the Commission in pursuance of subsection (5) of that section before the date on which this Act is passed in connection with a proposed industrial training order shall be taken to have been carried out by the Secretary of State in connection with that proposed order.
- (2) For the purposes of subsection (1) of section 3 of the 1982 Act (as substituted by paragraph 3 of Schedule 4 to this Act), any consultation carried out by the Commission in pursuance of that subsection before that date in connection with a request made under that subsection shall be taken to have been carried out by the Secretary of State in connection with that request.
- (3) For the purposes of section 15 of the 1982 Act (as amended by paragraph 13 of that Schedule)—
- (a) any direction of the Commission given before that date under section 15(1) shall have effect as if given by the Secretary of State under section 15(1) (as so amended),
  - (b) any direction of the Commission given before that date under section 15(2) or (3) shall have effect as if given by the Secretary of State under section 15(2) (as so amended),
  - (c) any proposals submitted to the Commission before that date in pursuance of a direction under section 15(1) shall be taken to have been submitted to the Secretary of State in pursuance of a direction given by him under section 15(1) (as so amended), and
  - (d) any proposals submitted to the Commission before that date in pursuance of a direction under section 15(2) or (3) shall be taken to have been submitted to the Secretary of State in pursuance of a direction given by him under section 15(2) (as so amended).
- (4) Sub-paragraphs (1) to (3) are without prejudice to the generality of paragraph 3 of this Schedule.

*Notifications of vacancies etc. for purposes of unemployment benefit*

F46 10

**Textual Amendments**

**F46** Sch. 5 para. 10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 8

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

*Saving of 1988 Order*

- 11 Any provisions of the <sup>M44</sup>1988 Order having effect immediately before the date on which this Act is passed shall continue in force notwithstanding the repeal by this Act of provisions of Schedule 2 to the Employment Act 1988.

**Marginal Citations**

**M44** 1988 c. 19.

SCHEDULE 6 **U.K.**

Section 29(3).

MINOR AND CONSEQUENTIAL AMENDMENTS

*Employment of Women, Young Persons, and Children Act 1920 (c.65)*

- 1 In section 1(6) (enforcement of restrictions on employment of women etc.)—
- (a) for paragraph (a) substitute—
- “(a) The following provisions, namely—
- (i) sections 21(1) and (2) and 28(1) and (3) of the Children and Young Persons Act 1933,
- (ii) sections 31(1) and (2) and 36(1) and (3) of the Children and Young Persons (Scotland) Act 1937, or
- (iii) sections 39(1) and (3) to (5) and 45(1), (3) and (4) of the Children and Young Persons Act (Northern Ireland) 1968,
- shall have effect in relation to the employment of a child in an industrial undertaking in contravention of this Act as they have effect in relation to the employment of a child in contravention of Part II of that Act of 1933, of Part III of that Act of 1937 or of Part III of that Act of 1968, as the case may be; and”;
- (b) in paragraph (c), for “young person” substitute “ person under the age of sixteen years ”.

PROSPECTIVE

- 2 In section 4 (interpretation), in the definition of industrial undertaking, for the words from “with respect” to “Parts I, II” substitute “ the meaning assigned to it by Part I ”.

*Shops Act 1950 (c. 28)*

F473

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**Textual Amendments**

**F47** Sch. 6 para. 3 repealed (1.12.1994) by 1994 c. 40, s. 81, Sch. 17; S.I. 1994/3037, arts. 2, 3(e)(vii)

**F48** 4 . . . . .

**Textual Amendments**

**F48** Sch. 6 para. 4 repealed (1.12.1994) by 1994 c. 40, s. 81, Sch. 17; S.I. 1994/3037, arts. 2, 3(e)(vii)

**F49** 5 . . . . .

**Textual Amendments**

**F49** Sch. 6 para. 5 repealed (1.12.1994) by 1994 c. 40, s. 81, Sch. 17; S.I. 1994/3037, arts. 2, 3(e)(vii)

*Factories Act 1961 (c. 34)*

6 In section 176(5) (application of provisions of Act to young persons employed outside factories) for the words from “the provisions” to “expressly provided,” substitute “section 119 of this Act shall not apply”.

*Children and Young Persons Act 1963 (c. 37)*

7 In section 41(1) (licences for training persons between 12 and 16 for performances of a dangerous nature), for “persons under the age of sixteen” substitute “children”.

8 In section 42(1) (licences for children and young persons performing abroad), for “persons under eighteen” substitute “children”.

*Employment and Training Act 1973 (c. 50)*

9 (1) Section 4 (disclosure of certain information) shall be amended as follows.

(2) In subsection (3)—

(a) for “said Act of 1947” substitute “Statistics of Trade Act 1947”;

(b) omit paragraphs (a) and (b);

(c) for paragraph (c) substitute—

“(c) the disclosure by the Secretary of State to a board of relevant information;”;

(d) in paragraph (e), omit “or the Commission” wherever occurring; and

(e) in paragraph (f), omit the words from “to a person” to “acting jointly”.

(3) After subsection (3) insert—

“(3A) Where the Secretary of State discloses information to a board or any other person under subsection (3)(c) or (f) of this section, he shall give a notice in writing to that person specifying the purposes for which the information may be used.”

(4) In subsection (5)(c) for “that paragraph” substitute “subsection (3A) of this section”.

*Status:* Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 10 (1) Section 27 (obtaining and disclosure of certain information) shall be amended as follows.
- (2) In subsection (2), omit paragraph (b) and the word “or” immediately preceding it.
- (3) In subsection (3), for the words from “, the Executive” to “Agencies” substitute “ or the Executive ”.
- 11 (1) Section 55 (functions of employment medical advisory service) shall be amended as follows.
- (2) In subsection (1)(a), omit “, the Training Commission”.
- (3) In subsection (6)(b), for “Commissions there mentioned” substitute “ Health and Safety Commission ”.

*Sex Discrimination Act 1975 (c. 65)*

- 12 In section 16(2)(b) (discrimination in provision of facilities or services under section 2 of the <sup>M45</sup>Employment and Training Act 1973), for “body” substitute “ Secretary of State ”.

**Marginal Citations**

**M45** 1973 c. 50.

*Scottish Development Agency Act 1975 (c. 69)*

- [<sup>F50</sup>13 In section 11(6) (disclosure of certain information)—
- (a) omit the words from “, the Training Commission” to “Training Services Agency”; and
- (b) for “Commission and Agencies” substitute “ Secretary of State ”.]

**Textual Amendments**

**F50** Sch. 6 para. 13 repealed (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), Sch. 5 Pt. I

*Welsh Development Agency Act 1975 (c. 70)*

- 14 In section 24(6) (disclosure of certain information)—
- (a) omit the words from “, the Training Commission” to “Training Services Agency”; and
- (b) for “Commission and Agencies” substitute “ Secretary of State ”.

*Race Relations Act 1976 (c. 74)*

- 15 In section 15(2)(b) (discrimination in provision of facilities or services under section 2 of the <sup>M46</sup>Employment and Training Act 1973), for “body” substitute “ Secretary of State ”.

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**Marginal Citations**

**M46** 1973 c. 50.

16 In section 74(1) (orders and regulations), for “sections 13(2)(d), 37(3)(b) and” substitute “section”.

*Development of Rural Wales Act 1976 (c. 75)*

<sup>F51</sup>17 .....

**Textual Amendments**

**F51** Sch. 6 para. 17 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**

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

<sup>F52</sup>18 .....

**Textual Amendments**

**F52** Sch. 6 para. 18 repealed (30.11.1993) by 1993 c.19, s. 51, **Sch.10**; S.I. 1993/2503, art. 2(2), **Sch.2**.

<sup>F53</sup>19 .....

**Textual Amendments**

**F53** Sch. 6 para. 19 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1**

20 ..... <sup>F54</sup>

**Textual Amendments**

**F54** Sch. 6 para. 20 repealed by Employment Act 1990 (c. 38, SIF 43:5), s. 16(2), **Sch. 3**

<sup>F55</sup>21 .....

**Textual Amendments**

**F55** Sch. 6 para. 21 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

<sup>F56</sup>22 .....

**Textual Amendments**

**F56** Sch. 6 para. 22 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 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

F57 23 .....

**Textual Amendments**

F57 Sch. 6 para. 23 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F58 24 .....

**Textual Amendments**

F58 Sch. 6 para. 24 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F59 25 .....

**Textual Amendments**

F59 Sch. 6 para. 25 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F60 26 .....

**Textual Amendments**

F60 Sch. 6 para. 26 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

*Local Government, Planning and Land Act 1980 (c. 65)*

F61 27 .....

**Textual Amendments**

F61 Sch. 6 para. 27 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 8**

*Agricultural Training Board Act 1982 (c. 9)*

F62 28 .....

**Textual Amendments**

F62 Sch. 6 para. 28 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 2

*Industrial Training Act 1982 (c. 10)*

29 In paragraph 6 of Schedule 1 (persons entitled to vote in connection with a levy), for the words from “sub-paragraph (a)” to “that sub-paragraph” substitute “ sub-paragraph (1)(b) of paragraph 3 above ”.

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*Sex Discrimination Act 1986 (c. 59)*

- 30 In section 5(1) (discrimination required by public entertainment licences)—
- (a) at the beginning insert “ Without prejudice to the generality of section 1(1) of the Employment Act 1989,” ; and
  - (b) omit the words from “ , apart from” to “authority),”.

SCHEDULE 7 **U.K.**

Section 29(4).

REPEALS

PART I **U.K.**

REPEALS COMING INTO FORCE ON ROYAL ASSENT

Chapter	Short title	Extent of repeal
1916 c. 68.	New Ministries and Secretaries Act 1916.	The whole Act.
1967 c. 13.	Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to the Training Commission.
1973 c. 50.	Employment and Training Act 1973.	Section 1.  Section 2(4) and (6). Section 3. In section 4, subsections (1) and (2), in subsection (3) paragraphs (a) and (b), the words “or the Commission” wherever occurring in paragraph (e) and the words from “to a person” to “acting jointly,” in paragraph (f), in subsection (4) the words “, the Commission”, in subsection (5) paragraphs (a) and (b) and “, (d)” in paragraph (c), and subsection (6).  In section 5(3)(a), the words from “or with a function” onwards.  Section 11(1).  In section 12, in subsection (1) the words from

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**Changes to legislation:** There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

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		“and of the Commission” to “this Act” and the words “or it”, and in subsections (1A) and (2) the words “of the Commission and” wherever occurring.
		In section 13(1), the definitions of “the Commission” and “modifications”.
		Schedule 1.
		In Schedule 3, paragraph 9.
1974 c. 37.	Health and Safety at Work etc. Act 1974.	Section 27(2)(b) and the word “or” immediately preceding it.
		In section 55(1)(a), the words “, the Training Commission”.
1975 c. 14.	Social Security Act 1975.	In section 20(5), the words “the Training Commission,” wherever occurring.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to the chairman of the Training Commission.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to the chairman of the Training Commission.
1975 c. 65.	Sex Discrimination Act 1975.	Section 14(2)(b). In section 16(1), the words “or the Training Commission”.>
[ <sup>F63</sup> 1975 c. 69.]	[ <sup>F63</sup> Scottish Development Agency Act 1975.]	[ <sup>F63</sup> In section 11(6), the words from “, the Training Commission” to “Training Services Agency”.]
1975 c. 70.	Welsh Development Agency Act 1975.	In section 24(6), the words from “, the Training Commission” to “Training Services Agency”.
1975 c. 71.	Employment Protection Act 1975.	In Schedule 14, paragraphs 1, 4 and 5.
1976 c. 74.	Race Relations Act 1976.	Section 13(2)(b). In section 15(1), the words “or the Training Commission”.

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*Status:* Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

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1976 c. 75.	Development of Rural Wales Act 1976.	In section 17(1), the words from “, the Training Commission” to “Training Services Agency,”.
1981 c. 57.	Employment and Training Act 1981.	In section 10(2), the words “the Training Commission,”.  In Schedule 2, Part I, and in Part II paragraphs 8, 9, 12, 14, 15, 17, 19 and 21.
1982 c. 9.	Agricultural Training Board Act 1982.	In section 4(1)(f), “, 3”.
1982 c. 10.	Industrial Training Act 1982.	In section 1, in subsection (2), the definition of “the Commission” and, in subsection (6), the words from “or, in a case” to “Commission”.  In section 5(3)(e), “, 3”.  In section 6(2), the words from “or to the Commission” onwards.  Section 7(3).
1982 c.10— <i>cont.</i>	Industrial Training Act 1982— <i>cont.</i>	In section 9(1), the words “, after consultation with the Commission,”.  In section 10(1), the words “of the Commission given with the approval”.  In section 11(1), the words from “and the Commission” onwards.  In section 13(4), the words “and the Commission”.  Section 15(3) and (4).  In section 16(4), the words from “; but no such” onwards.  In Schedule 1, in paragraph 7(1), the words “, the Training Commission”.
1982 c. 30.	Local Government (Miscellaneous Provisions) Act 1982.	In section 45(1), the words “the Training Commission or”.

*Status:* Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

1982 c. 43.	Local Government and Planning (Scotland) Act 1982.	In section 8, the words “the Training Commission or”.
1988 c. 9.	Local Government Act 1988.	In Schedule 6, paragraph 10(5).
1988 c. 19.	Employment Act 1988.	Section 24. Section 29(1) so far as relating to the Industrial Training Act 1982. In Schedule 2, paragraphs 2(1)(b) and 3 to 8. In Schedule 3, in Part II, paragraphs 7 to 10 and 14(2).

#### Textual Amendments

**F63** Entry repealed (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), [Sch. 5 Pt. I](#)

## PART II U.K.

### REPEALS COMING INTO FORCE TWO MONTHS AFTER ROYAL ASSENT

1922 c. 35.	Celluloid and Cinematograph Film Act 1922.	In section 1, subsection (1) (a), and in subsection (2) the words from “the provisions” (where first occurring) to “this Act, and”. Section 4(3).
1933 c. 12.	Children and Young Persons Act 1933.	Section 19.
1937 c. 37.	Children and Young Persons (Scotland) Act 1937.	Section 29.
1938 c. 69.	Young Persons (Employment) Act 1938.	The whole Act.
1950 c. 28.	Shops Act 1950.	Section 18. Section 20. Section 21(4). Sections 24 to 36. Section 68. In section 71(3), the words from “subsection (2) of

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*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

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		section one hundred and forty-two” to “given age),”.
		Section 72.
		In section 74, in subsection (1) the definition of “young person”, and subsection (2).
		Part II of Schedule 3.
1954 c. 70.	Mines and Quarries Act 1954.	In sections 42(1), 43 and 44, the word “male”, wherever occurring.
		In section 93, the words “woman or young”, in both places where they occur.
		Section 124(2).
		Sections 125 to 132.
		In Schedule 4, the entry relating to the Young Persons (Employment) Act 1938.
1961 c. 34.	Factories Act 1961.	Section 11(1)(a)(iii).
		In section 20, the words “woman or”, in both places where they occur.
		Section 73(1).
		Sections 86 to 94.
		Sections 96 to 109.
		Sections 112 to 116.
		Section 117(1)(a).
		Section 121(1)(f) (except the final “and”) and (5).
		Section 126(2)(f).
		Section 138(1)(d).
		Section 140(1)(d).
		In section 176(4), the words from “except that” onwards.
1963 c. 37.	Children and Young Persons Act 1963.	Section 35(1).
1963 c. 41.	Offices, Shops and Railway Premises Act 1963.	In section 17, subsection (3), in subsection (4) the words from “, except when any” onwards, and subsection (5).

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**Status:** Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)

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1964 c. 66.	Young Persons (Employment) Act 1964.	The whole Act.
1968 c. 14.	Public Expenditure and Receipts Act 1968.	In Schedule 3, the entry relating to the Young Persons (Employment) Act 1938.
1971 c. 80.	Banking and Financial Dealings Act 1971.	Section 4(2).  In section 5(2), the words “, except section 4(2),”.
1972 c. 70.	Local Government Act 1972.	In Schedule 29, paragraph 46.
1973 c. 24.	Employment of Children Act 1973.	Section 1(5).  In Schedule 2, the first two entries.
1973 c. 65.	Local Government (Scotland) Act 1973.	Section 155(4).  Section 160.
1975 c. 65.	Sex Discrimination Act 1975.	In section 7, subsection (2) (f), and in subsection (4) “, (f)”.  In section 81, in subsections (1) and (2), “14(2)(d),”.
1976 c. 74.	Race Relations Act 1976.	In section 74, in subsection (2), “13(2) (d), 37(3)(b),” and, in subsection (5), “13(2)(d), 37(3)(b) or”.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	Sections 104 and 104A.  Section 106(4).  Section 117(2A) and (2B).  In section 153(1), the definition of “redundancy rebate”.  Schedule 6.  In Schedule 8, the entry relating to section 104 of the Act, and in the entry relating to section 108 of the Act “, (2), (4) and (5)”.
1980 c. 43.	Magistrates’ Courts Act 1980.	In Schedule 15, paragraph 13.  In Schedule 7, paragraph 174.

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

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1982 c. 46.	Employment Act 1982.	In Schedule 2, paragraph 6(3). In Schedule 3, paragraph 5.
1985 c. 65.	Insolvency Act 1985.	In Schedule 8, paragraph 31(4).
1985 c. 66.	Bankruptcy (Scotland) Act 1985.	In Schedule 7, paragraph 14(3).
1986 c. 45.	Insolvency Act 1986.	In Schedule 14, the entry relating to section 125(2) of the Employment Protection (Consolidation) Act 1978.
1986 c. 48.	Wages Act 1986.	Section 27. In Schedule 4, paragraphs 8 and 11. In Schedule 6, paragraph 9.
1986 c. 59.	Sex Discrimination Act 1986.	In section 5(1), the words from “, apart from” to “authority,”. Section 7. In section 10, in subsection (3) “, 7”, and in subsection (5), the words from “except for the purpose” onwards.
1986 c. 61.	Education (No.2) Act 1986.	In Schedule 4, paragraph 6.
1988 c. 19.	Employment Act 1988.	In Schedule 3, in Part II, paragraphs 11(1) and 12(1) and (3).

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### PART III U.K.

REPEALS COMING INTO FORCE ON A DAY APPOINTED UNDER S. 30(4)

#### Commencement Information

**I2** Sch. 7 Pt. III wholly in force at 3.3.1997; Sch. 7 Pt. III not in force at Royal Assent see s. 30(4); Sch. 7 Pt. III in force for certain purposes at 26.2.1990 by S.I. 1990/189, art. 2; Sch. 7 Pt. III in force insofar as not already in force at 3.3.1997 by S.I. 1997/134, art. 2

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1920 c. 65.	Employment of Women, Young Persons, and Children Act 1920.	Section 1(3).
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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

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		In section 3(1), the words “young persons, or”.
		Part II of the Schedule.
1954 c. 70.	Mines and Quarries Act 1954.	Section 124(1).
1961 c. 34.	Factories Act 1961.	In section 117(1), the words “or transport”, the words from “any of the following” to “that is to say”, and paragraph (b) and the “(c)” immediately following it.
		Section 119A.
1972 c. 28.	Employment Medical Advisory Service Act 1972.	Section 5(1).
		Section 8(1) so far as relating to section 119A of the Factories Act 1961.
1973 c. 50.	Employment and Training Act 1973.	In Schedule 3, paragraph 6.
1975 c. 65.	Sex Discrimination Act 1975.	Section 21(1).
1980 c. 42.	Employment Act 1980.	In Schedule 1, paragraph 9.

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SCHEDULE 8 **E+W+S**

Section 29(5).

INSTRUMENTS REVOKED

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S.R.&O. 1905/1103.	Regulations dated 17th October 1905 (Spinning by self-acting mules) .	In Regulation 4(b), the words “woman, young person, or”.
S.R.&O. 1917/1035.	Order dated 5th October 1917 (Tin or terne plate factories).	Article 2.
S.R.&O. 1926/1463.	Woollen and Worsted Textiles (Lifting of Heavy Weights) Regulations 1926.	The whole Regulations.
S.R.&O. 1930/94.	Cement Works Welfare Order 1930.	Article 1(d).
S.I. 1948/1696.	Jute (Safety, Health and Welfare) Regulations 1948.	Regulation 4.
S.I. 1950/65.	Pottery (Health and Welfare) Special Regulations 1950.	In Regulation 6, paragraphs (1)(x), (2), (5) and (6).

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

S.I. 1973/37.	Abstract of Special Regulations (Pottery - Health and Welfare) Order 1973.	<p>In Regulation 12(4), the words from “; and where” onwards.</p> <p>Regulation 18(7).</p> <p>Schedule 1 so far as it reproduces Regulations 6(2) and 18(7) of the Pottery (Health and Welfare) Special Regulations 1950.</p> <p>Schedule 2 so far as it reproduces Regulations 6(1) (x), 6(2), 6(5), 6(6) and 18(7) of those Regulations of 1950.</p>
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SCHEDULE 9 E+W+S

Section 29(6).

TRANSITIONAL PROVISIONS AND SAVINGS

*Sex discrimination*

- 1 Nothing in section 3 of this Act shall render unlawful any act done by any person if—
- (a) it was done before the commencement of that section, or
  - (b) it was done before the commencement of section 9(3) of this Act and it was necessary for him to do it in order to comply with section 124(1) of the <sup>M47</sup>Mines and Quarries Act 1954.

**Marginal Citations**

**M47** 1954 c. 70.

*Time off for trade union duties*

<sup>F64</sup><sub>2</sub> .....

**Textual Amendments**

**F64** Sch. 9 para. 2 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1**

*Redundancy payments: assimilation of age limits*

<sup>F65</sup><sub>3</sub> .....

*Status: Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1989. (See end of Document for details)*

**Textual Amendments**

**F65** Sch. 9 para. 3 repealed (22.8.1996) by 196 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

*Redundancy rebates*

**F66**<sup>4</sup> .....

**Textual Amendments**

**F66** Sch. 9 para. 4 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

*Insolvency payments*

**F67**<sup>5</sup> .....

**Textual Amendments**

**F67** Sch. 9 para. 5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

*Appointments to industrial training boards*

- 6 (1) The amendments by this Act of paragraphs 3 and 6 of Schedule 1 to the Industrial Training Act 1982 shall not apply to an industrial training board during any period during which any member of the board appointed before the passing of this Act remains in office by virtue of that appointment.
- (2) Sub-paragraph (1) above shall not be taken as precluding the Secretary of State during any such period from making appointments to the board in accordance with that Schedule as amended by this Act where they are to take effect at any time after the end of that period.

**Status:**

Point in time view as at 22/07/2004. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1989.