

SCHEDULES

SCHEDULE 6

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”.
- 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)

- 3 In section 44(2) (exemptions for post offices), for “sections seventeen to twenty” substitute “section seventeen or nineteen”.
- 4 In section 45 (exemption for fairs, etc. and non-profit-making libraries), for “sections seventeen to twenty-one or section” substitute “section seventeen, nineteen, twenty-one or”.
- 5 In section 69(1)(e) (regulations), for “to twenty-one and section” substitute “, nineteen, twenty-one and”.

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”.

Status: This is the original version (as it was originally enacted).

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”.

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 Employment and Training Act 1973), for “body” substitute “Secretary of State”.

SCOTTISH DEVELOPMENT AGENCY ACT 1975 (C. 69)

13 In section 11(6) (disclosure of certain information)—

Status: This is the original version (as it was originally enacted).

- (a) omit the words from “, the Training Commission” to “Training Services Agency”; and
- (b) for “Commission and Agencies” substitute “Secretary of State”.

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 Employment and Training Act 1973), for “body” substitute “Secretary of State”.
- 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)

- 17 (1) Section 17 (disclosure of certain information) shall be amended as follows.
- (2) In subsection (1), omit the words from “, the Training Commission” to “Training Services Agency”.
 - (3) In subsection (2), for “Commission and Agencies” substitute “Secretary of State”.

EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978 (C. 44)

- 18 In section 1(4) (written particulars of terms of employment), after “subsection (5)” insert “and section 2A(1)”.
- 19 For section 32 substitute—

“32 Provisions supplementary to ss. 27 to 31A

- (1) For the purposes of sections 27 to 31A the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, he is required to be at work.
 - (2) For the purposes of sections 27 and 28 a trade union shall be taken to be recognised by an employer if it is recognised by him, to any extent, for the purpose of collective bargaining, that is to say, negotiations related to or connected with one or more of the matters specified in section 29(1) of the Trade Union and Labour Relations Act 1974.”
- 20 In section 103(1) (establishment and maintenance of Redundancy Fund), for “104” substitute “105”.
- 21 (1) Section 106 (payments out of fund to employees) shall be amended as follows.
- (2) After subsection (1) insert—
 - “(1A) In this Act “employer’s payment”, in relation to an employee, means—
 - (a) a redundancy payment which his employer is liable to pay to him under the foregoing provisions of this Part, or

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(b) a payment which his employer is, under an agreement in respect of which an order is in force under section 96, liable to make to him on the termination of his contract of employment.

(1B) In relation to a case where, under section 85, 92 or 110, an industrial tribunal determines that an employer is liable to pay only part of a redundancy payment, the reference in subsection (1A)(a) above to a redundancy payment shall be construed as a reference to that part of the redundancy payment.”

(3) In subsection (2), for “section 104(1)” substitute “subsection (1A)”.

(4) Omit subsection (4).

22 For section 108 substitute—

“108 References to tribunal relating to payments under s.106

(1) Where on an application made to the Secretary of State for a payment under section 106 it is claimed that an employer is liable to pay an employer’s payment, there shall be referred to an industrial tribunal—

- (a) any question as to the liability of the employer to pay the employer’s payment; and
- (b) any question as to the amount of the sum payable in accordance with Schedule 7.

(2) For the purposes of any reference under this section an employee who has been dismissed by his employer shall, unless the contrary is proved, be presumed to have been so dismissed by reason of redundancy.”

23 In section 127(2)(a) (interpretation of sections 122 to 126), for “an award of sequestration is made on his estate” substitute “sequestration of his estate is awarded”.

24 In section 153(1) (interpretation), for the definition of “employer’s payment” substitute—

““employer’s payment” has the meaning given by section 106(1A) and (1B);”.

25 (1) Schedule 7 (calculation of payments to employees out of Redundancy Fund) shall be amended as follows.

(2) In paragraph 1(2), for “section 104(6)” substitute “section 106(1B)”.

(3) For paragraph 2 substitute—

“2 (1) Where the employer’s payment is not a redundancy payment or part of a redundancy payment, the sum referred to in section 106(2) is a sum equal to—

- (a) the amount of the employer’s payment, or
 - (b) the amount of the relevant redundancy payment,
- whichever is less.

(2) The reference in sub-paragraph (1)(b) to the amount of the relevant redundancy payment is a reference to the amount of the redundancy payment which the employer would have been liable to pay to the employee if—

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- (a) the order in force in respect of the agreement as mentioned in section 106(1A)(b) had not been made;
- (b) the circumstances in which the employer's payment is payable had been such that the employer was liable to pay a redundancy payment to the employee in those circumstances;
- (c) the relevant date, in relation to any such redundancy payment, had been the date on which the termination of the employee's contract of employment is treated for the purposes of the agreement as having taken effect; and
- (d) in so far as the provisions of the agreement which relate to the following matters, that is to say—
 - (i) the circumstances in which the continuity of an employee's period of employment is to be treated as broken, and
 - (ii) the weeks which are to count in computing a period of employment,are inconsistent with the provisions of Schedule 13 as to those matters, those provisions of the agreement were substituted for those provisions of that Schedule.

(3) In sub-paragraph (2) "the agreement" means the agreement falling within section 106(1A)(b) by reference to which the employer's payment is payable."

26 In paragraph 1(2) of Schedule 9 (regulations as to procedure of industrial tribunals), for paragraph (e) substitute—

- "(e) for enabling an industrial tribunal, on the application of any party to proceedings before it or of its own motion, to order—
- (i) in England and Wales, such discovery or inspection of documents, or the furnishing of such further particulars, as might be ordered by a county court on an application by a party to proceedings before it, or
 - (ii) in Scotland, such recovery or inspection of documents as might be ordered by the sheriff;".

LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980 (C. 65)

27 In section 20, for subsection (4) substitute—

- "(4) Notwithstanding anything in subsection (1) above, in this Act "construction or maintenance work" does not include work undertaken by a local authority or a development body pursuant to an agreement made (or having effect as if made) with the Secretary of State on or after 1st April 1982—
- (a) which is made by virtue of any provision of the Employment and Training Act 1973;
 - (b) which specifies the work to be undertaken by the authority or body; and
 - (c) under which the whole or part of the cost of the work so specified is to be paid by the Secretary of State."

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

AGRICULTURAL TRAINING BOARD ACT 1982 (C. 9)

- 28 In paragraph 6 of Schedule 1 (right to nominate person to attend meetings of Agricultural Training Board), for “Training Commission” substitute “Minister concerned with employment in England and Wales, the Minister concerned with employment in Scotland”.

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”.

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,”.