

SCHEDULES

SCHEDULE 1

Section 4.

PROVISIONS CONCERNED WITH PROTECTION OF WOMEN AT WORK

Enactments

Section 61 of the Factory and Workshop Act 1901, as set out in Schedule 5 to the Factories Act 1961.

Section 205 of the Public Health Act 1936.

Sections 74, 128 and 131 of the Factories Act 1961.

Statutory instruments

Regulation 3 of the Regulations dated 21st January 1907 (Manufacture of paints and colours).

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

Regulation 1 of the Indiarubber Regulations 1922.

Regulation 1(ii) of the Electric Accumulator Regulations 1925.

Regulation 6(1)(i) to (vi) of the Pottery (Health and Welfare) Special Regulations 1950.

Parts IV and V of Schedule 1 to the Ionising Radiations Regulations 1985.

Article 20(8) of the Air Navigation Order 1985 so far as relating to pregnancy.

Other instruments

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

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

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

SCHEDULE 2

Section 9.

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

PART I

PROVISIONS REVOKED

Article 2 of the Order dated 5th October 1917 (Tin or terne plate factories).
 The Woollen and Worsted Textiles (Lifting of Heavy Weights) Regulations 1926.
 Article 1(d) of the Cement Works Welfare Order 1930.
 Regulation 4 of the Jute (Safety, Health and Welfare) Regulations 1948.
 Regulations 6(1)(x), 6(2), 6(5), 6(6) and 18(7) of the Pottery (Health and Welfare) Special Regulations 1950.

PART II

AMENDMENTS

- 1 In Regulation 4(b) of the Regulations dated 17th October 1905 (Spinning by self-acting mules), omit “woman, young person, or”.
- 2 In Regulation 12(4) of the Pottery (Health and Welfare) Special Regulations 1950, omit the words from “; and where” onwards.
- 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”.
- 4 In Regulation 13(1) of the Quarries (Ropeways and Vehicles) Regulations 1958, for “, other than a male person who has attained” substitute “under”.

SCHEDULE 3

Section 10.

REMOVAL OF RESTRICTIONS RELATING TO EMPLOYMENT OF YOUNG PERSONS

PART I

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

Section 1(3) of, and Part II of the Schedule to, the Employment of Women, Young Persons, and Children Act 1920 (employment of young persons in industrial undertakings at night).
 Section 19 of the Children and Young Persons Act 1933 (power of local authority to make byelaws with respect to employment of persons under 18 other than children).
 Section 29 of the Children and Young Persons (Scotland) Act 1937 (power of education authority to make byelaws with respect to employment of persons under 18 other than children).

Part I of the Young Persons (Employment) Act 1938 (hours of employment and holidays of young persons in certain occupations).

The following provisions of the Shops Act 1950—

- section 18 (special provisions as to half-holidays for young persons);
- section 20 and Part II of Schedule 3 (special provisions as to meal times for young persons);
- sections 24 to 36 (hours of employment of young persons);
- section 68 (option to apply either the Act or the Young Persons (Employment) Act 1938 in certain cases); and
- section 72 (enforcement by local authorities under Children and Young Persons Act 1933).

The following provisions of the Mines and Quarries Act 1954—

- sections 125 to 128 (hours of employment of young persons);
- section 130 (special exception for emergencies); and
- section 132 (supplemental provisions).

The following provisions of the Factories Act 1961—

- sections 86 to 94 (hours of employment and holidays of young persons);
- sections 96 to 109 and 112 to 115 (suspension of, and exceptions from, provisions as to hours of employment etc.);
- section 116 (regulation of employment of young persons in certain occupations);
- section 138(1)(d) (posting of notices); and
- section 140(1)(d) (general registers).

PART II

REPEALS RELATING TO OTHER REQUIREMENTS

The following provisions of the Mines and Quarries Act 1954—

- section 124(2) (restriction on male young persons being employed below ground);
- and
- section 131 (register of women and young persons employed).

The following provisions of the Factories Act 1961—

- section 11(1)(a)(iii) (power to require medical supervision);
- section 73(1) (prohibition on employment of female young persons where certain processes are carried on); and
- section 119A (duty of factory occupier to give notice of employment of young persons).

PART III

AMENDMENT OF CERTAIN AGE LIMITS

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

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

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
- (c) in subsection (3), for the words from the beginning to “employed” substitute “Byelaws under this section shall not authorise a child to engage, or be employed, on a Sunday”.
- 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
- (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)—

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- (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.

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
 - (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;”.

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

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

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.
- (2) In subsection (2), omit the definition of “the Commission”.
- (3) In subsection (6), omit the words from “or, in a case” to “Commission”.
- (4) In subsection (7), for “section 3(2)” substitute “section 3(1)(b)”.
- 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
- (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”.
- 5 In section 6(2) (information from employers only to be disclosed to certain persons), omit the words from “or to the Commission” onwards.
- 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”.
- (4) Omit subsection (3).
- 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”.
- 8 In subsection 9(1) (publication of information), omit “, after consultation with the Commission,”.
- 9 In subsection 10(1) (training for employment overseas), omit “of the Commission given with the approval”.
- 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
 - (b) omit the words from “and the Commission” onwards.
 - (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”.
- 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”.
 - (3) In subsection (4), omit “and the Commission”.
 - (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.”
- 13 (1) Section 15 (default powers in relation to proposals) shall be amended as follows.

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- (2) In subsection (1)—
 - (a) for “Commission” substitute “Secretary of State”; and
 - (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.”
- (4) Omit subsections (3) and (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.”
- 14 In section 16(4) (power to enable levies to be imposed in respect of establishments within enterprise zones), omit the words from “; but no such” onwards.
- 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.
 - (2) In sub-paragraph (1), omit “, the Training Commission”.
 - (3) In sub-paragraph (2), for “Commission” substitute “Secretary of State”.

SCHEDULE 5

Section 22(5).

DISSOLUTION OF TRAINING COMMISSION: SUPPLEMENTARY PROVISIONS

Interpretation

- 1 In this Schedule—
- “the 1982 Act” means the Industrial Training Act 1982;
 - “the 1988 Order” means the 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.

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.
 - (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 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.

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- (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.

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 (1) Any legal proceedings to which the Commission was a party immediately before the date on which this Act is passed may be continued on or after that date by or in relation to the relevant Minister.
- (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 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.
- 5 (1) The power of the Secretary of State to make determinations under paragraph 6 of Schedule 1 to the 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.

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- (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.

Final accounts

- 6 (1) The Secretary of State shall not later than eight months after the date on which this Act is passed prepare and send to the Comptroller and Auditor General a statement of accounts relating to the Commission in respect of the period between the end of the accounting year for which the last statement of accounts under paragraph 14 of Schedule 1 to the Employment and Training Act 1973 was prepared and the date on which this Act is passed.
- (2) The statement of accounts prepared under sub-paragraph (1) shall be in such form as the Treasury may approve.
- (3) The Comptroller and Auditor General shall examine, certify and report on the statement sent to him under sub-paragraph (1) and shall lay copies of the statement and of his report before each House of Parliament.

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.
- 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

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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

- 10 (1) For the purposes of section 20 of the Social Security Act 1975, where any person before the date on which this Act is passed—
- (a) has been notified by the Commission that a situation in any employment is or is about to become vacant, or
 - (b) has been given recommendations in writing by an officer of the Commission with a view to assisting that person to find employment,
- he shall, on or after that date, be taken to have been so notified, or to have been given the recommendations, by the Secretary of State.
- (2) Sub-paragraph (1) is without prejudice to the generality of paragraph 3 of this Schedule.

Saving of 1988 Order

- 11 Any provisions of the 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.

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—

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

“(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”.

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—

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- “(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)—
- (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”.

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

- 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
- (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—

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

“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—
- (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—

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- (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."

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".

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

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

Section 29(4).

REPEALS

PART I

REPEALS COMING INTO FORCE ON ROYAL ASSENT

| | | |
|-------------|--|---|
| 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 “and of the Commission” to “this Act” and the words “or it”, and in subsections (1A) |

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

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| | | 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”. |
| 1975 c. 69. | Scottish Development Agency Act 1975. | 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”. |
| 1976 c. 75. | Development of Rural Wales Act 1976. | In section 17(1), the words from “, the Training Commission” to “Training Services Agency,”. |

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

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

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

| | | |
|-------------|----------------------|---|
| 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). |
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PART II

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 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. |

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

| | | |
|-------------|---|--|
| 1954 c. 70. | Mines and Quarries Act 1954. | <p>In sections 42(1), 43 and 44, the word “male”, wherever occurring.</p> <p>In section 93, the words “woman or young”, in both places where they occur.</p> <p>Section 124(2).</p> <p>Sections 125 to 132.</p> <p>In Schedule 4, the entry relating to the Young Persons (Employment) Act 1938.</p> |
| 1961 c. 34. | Factories Act 1961. | <p>Section 11(1)(a)(iii).</p> <p>In section 20, the words “woman or”, in both places where they occur.</p> <p>Section 73(1).</p> <p>Sections 86 to 94.</p> <p>Sections 96 to 109.</p> <p>Sections 112 to 116.</p> <p>Section 117(1)(a).</p> <p>Section 121(1)(f) (except the final “and”) and (5).</p> <p>Section 126(2)(f).</p> <p>Section 138(1)(d).</p> <p>Section 140(1)(d).</p> <p>In section 176(4), the words from “except that” onwards.</p> |
| 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). |
| 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. | <p>Section 4(2).</p> <p>In section 5(2), the words “, except section 4(2),”.</p> |

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

| | | |
|-------------|---|--|
| 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. |
| 1982 c. 46. | Employment Act 1982. | In Schedule 7, paragraph 174. 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. |

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|-------------|------------------------------|---|
| | | 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). |

PART III

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

| | | |
|-------------|--|---|
| 1920 c. 65. | Employment of Women, Young Persons, and Children Act 1920. | Section 1(3). 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. |

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

SCHEDULE 8

Section 29(5).

INSTRUMENTS REVOKED

| | | |
|--------------------|--|---|
| 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). In Regulation 12(4), the words from “; and where” onwards. Regulation 18(7). |
| S.I. 1973/37. | Abstract of Special Regulations (Pottery - Health and Welfare) Order 1973. | Schedule 1 so far as it reproduces Regulations 6(2) and 18(7) of the Pottery (Health and Welfare) Special Regulations 1950. 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. |

SCHEDULE 9

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 Mines and Quarries Act 1954.

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Time off for trade union duties

- 2 Section 14 of this Act shall not affect the continued operation of section 27 of the 1978 Act in a case where—
- (a) permission to take time off under section 27 of that Act was requested before the commencement of section 14 of this Act; and
 - (b) the time off in question was to begin not later than the end of the period of six weeks beginning with that commencement.

Redundancy payments: assimilation of age limits

- 3 (1) The amendments made by section 16 of this Act shall not have effect in relation to an employee in whose case the relevant date (as defined in sub-paragraph (2)) falls before the commencement of that section.
- (2) In sub-paragraph (1) “the relevant date” means the date which for the purposes of section 81(4) of the 1978 Act is the relevant date in the case of the employee by virtue of any provision of section 90 of that Act.

Redundancy rebates

- 4 (1) Nothing in this Act shall affect the continued operation of any provision of the 1978 Act for the purposes of, or in connection with, the payment of a redundancy rebate under section 104 of that Act in a case where—
- (a) a claim for the rebate has been made in accordance with regulations under section 104(5) before the commencement of section 17 of this Act, or
 - (b) notwithstanding that such a claim has not been so made, the rebate is in respect of any payment falling within section 104(1)(a) or (b) in relation to which the relevant date (as defined in sub-paragraph (2)) falls before the commencement of section 17.
- (2) In sub-paragraph (1)(b) “the relevant date”—
- (a) in the case of a payment falling within section 104(1)(a), means the date which for the purposes of section 81(4) of the 1978 Act is the relevant date in relation to that payment by virtue of any provision of section 90 of that Act, and
 - (b) in the case of a payment falling within section 104(1)(b), means the date on which the termination of the employee’s contract of employment is treated as having taken effect for the purposes of the agreement referred to in that provision.

Insolvency payments

- 5 The amendments made by section 19 of this Act shall not have effect in relation to any payment made in pursuance of section 122 or 123 of the 1978 Act in a case where the employer became insolvent before the commencement of section 19 of this Act.

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

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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.