



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Excluded classes of employment

281 Part-time employment

- (1) Sections 168 and 170 (time off for trade union duties and activities) do not apply to employment under a contract which normally involves employment for less than sixteen hours weekly.
- (2) If the employee's relations with his employer cease to be governed by a contract which normally involve work for sixteen hours or more weekly and become governed by a contract which normally involves employment for eight hours or more, but less than sixteen hours, weekly, the employee shall nevertheless for a period of 26 weeks be treated for the purposes of this section as if his contract normally involved employment for sixteen hours or more weekly.
- (3) In computing that period of 26 weeks no account shall be taken of any week—
 - (a) during which the employee is in fact employed for sixteen hours or more;
 - (b) during which the employee takes part in a strike (as defined by paragraph 24 of Schedule 13 to the Employment Protection (Consolidation) Act 1978); or
 - (c) during which there is no contract of employment but which by virtue of paragraph 9(1) of that Schedule counts in computing a period of continuous employment.
- (4) An employee whose relations with his employer are governed by a contract of employment which normally involves employment for eight hours or more, but less than sixteen hours, weekly shall nevertheless, if he had been continuously employed

for a period of five years or more be treated for the purposes of this section as if his contract normally involved employment for sixteen hours or more weekly.

- (5) Section 151 of and Schedule 13 to the Employment Protection (Consolidation) Act 1978 (computation of period of continuous employment), and any provision modifying or supplementing that section or Schedule for the purposes of that Act, apply for the purposes of this section; and references in this section to weeks are to weeks within the meaning of that Schedule.
- (6) An employee's normal working hours for the purposes of this section shall be calculated in accordance with Part I of Schedule 14 to that Act.

282 Short-term employment

- (1) The provisions of Chapter II of Part IV (procedure for handling redundancies) do not apply to employment—
- (a) under a contract for a fixed term of three months or less, or
 - (b) under a contract made in contemplation of the performance of a specific task which is not expected to last for more than three months,
- where the employee has not been continuously employed for a period of more than three months.
- (2) Section 151 of and Schedule 13 to the Employment Protection (Consolidation) Act 1978 (computation of period of continuous employment), and any provision modifying or supplementing that section or Schedule for the purposes of that Act, apply for the purposes of this section.

283 Mariners

- (1) The provisions of Chapter II of Part IV (procedure for handling redundancies) do not apply to employment as a merchant seaman.
- (2) For this purpose employment as a merchant seaman means employment as master or as a member of the crew of a sea-going ship, including an apprentice or trainee employed on any such ship and employment as a radio officer on such a ship.

284 Share fishermen

The following provisions of this Act do not apply to employment as master or as member of the crew of a fishing vessel where the employee is remunerated only by a share in the profits or gross earnings of the vessel—

- In Part III (rights in relation to trade union membership and activities)—
- sections 137 to 143 (access to employment),
 - sections 146 to 151 (action short of dismissal), and
 - sections 168 to 173 (time off for trade union duties and activities);
- In Part IV, Chapter II (procedure for handling redundancies).

285 Employment outside Great Britain

- (1) The following provisions of this Act do not apply to employment where under his contract of employment an employee works, or in the case of a prospective employee would ordinarily work, outside Great Britain—

In Part III (rights in relation to trade union membership and activities)—
sections 137 to 143 (access to employment),
sections 146 to 151 (action short of dismissal), and
sections 168 to 173 (time off for trade union duties and activities);
In Part IV, Chapter II (procedure for handling redundancies).

- (2) For the purposes of subsection (1) employment on board a ship registered in the United Kingdom shall be treated as employment where under his contract a person ordinarily works in Great Britain unless—
- (a) the ship is registered at a port outside Great Britain, or
 - (b) the employment is wholly outside Great Britain, or
 - (c) the employee or, as the case may be, the person seeking employment or seeking to avail himself of a service of an employment agency, is not ordinarily resident in Great Britain.

286 Power to make further provision as to excluded classes of employment

- (1) This section applies in relation to the following provisions—
In Part III (rights in relation to trade union membership and activities), sections 146 to 151 (action short of dismissal),
In Part IV, Chapter II (procedure for handling redundancies), and
In Part V (industrial action), section 237 (dismissal of those taking part in unofficial industrial action).
- (2) The Secretary of State may by order made by statutory instrument provide that any of those provisions—
- (a) shall not apply to persons or to employment of such classes as may be prescribed by the order, or
 - (b) shall apply to persons or employments of such classes as may be prescribed by the order subject to such exceptions and modifications as may be so prescribed,
- and may vary or revoke any of the provisions of sections 281 to 285 above (excluded classes of employment) so far as they relate to any such provision.
- (3) Any such order shall be made by statutory instrument and may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (4) No such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.