

Changes to legislation: Employment Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 5

Section 38

TRIBUNAL JURISDICTIONS TO WHICH SECTION 38 APPLIES

Textual Amendments

- F1** Words in Sch. 5 substituted (3.7.2003 for specified purposes, 1.10.2004 in so far as not already in force) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), reg. 1(2)(3)**31(3)**

Commencement Information

- I1** Sch. 5 in force at 1.10.2004 by [S.I. 2004/1717](#), art. 2(2)

F1

F2
...

F3
...

F4
...

[^{F5}Section 145A of the Trade Union and Labour Relations (Consolidation) Act 1992 (inducements relating to union membership or activities) Section 145B of that Act (inducements relating to collective bargaining) Section 146 of that Act (detriment in relation to union membership and activities)]

Paragraph 156 of Schedule A1 to that Act (detriment in relation to union recognition rights)

F6
...

Section 23 of the Employment Rights Act 1996 (c. 18) (unauthorised deductions and payments)

Section 48 of that Act (detriment in employment)

Section 111 of that Act (unfair dismissal)

Section 163 of that Act (redundancy payments)

Section 24 of the National Minimum Wage Act 1998 (c. 39) (detriment in relation to national minimum wage)

F7
...

The Employment Tribunal Extension of Jurisdiction (England and Wales) Order 1994 (S.I. 1994/1623) (breach of employment contract and termination)

The Employment Tribunal Extension of Jurisdiction (Scotland) Order 1994 (S.I. 1994/1624) (corresponding provision for Scotland)

Regulation 30 of the Working Time Regulations 1998 (S.I. 1998/1833) (breach of regulations)

Regulation 32 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I. 1999/3323) (detriment relating to European Works Councils)

F8
...

F9
...

Changes to legislation: Employment Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F10} Regulation 45 of the European Public Limited-Liability Company Regulations 2004 (S.I. 2004/2326) (detriment in employment)

Regulation 33 of the Information and Consultation of Employees Regulations 2004 (S.I. 2004/3426) (detriment in employment)

Paragraph 8 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (S.I. 2006/349) (detriment in employment)]

[^{F11}Regulation 34 of the European Cooperative Society (Involvement of Employees) Regulations 2006 (detriment in relation to involvement in a European Cooperative Society)]

^{F12}

...

^{F13}

...

[^{F14}Regulation 17 of the Cross-border Railways Services (Working Time) Regulations 2008 (breach of regulations)]

[^{F15}“Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”].]

Textual Amendments

- F2** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(a) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F3** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(b) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F4** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(c) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F5** Words in Sch. 5 substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), **Sch. 1 para. 43**; S.I. 2004/2566, art. 3(b) (with art. 6)
- F6** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(d) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F7** Words in Sch. 5 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2
- F8** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(e) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F9** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(f) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F10** Words in Sch. 5 inserted (6.4.2007) by [Employment Act 2002 \(Amendment of Schedules 3, 4 and 5\) Order 2007 \(S.I. 2007/30\)](#), arts. 1, **2** (with art. 3)
- F11** Words in Sch. 5 inserted (18.8.2006) by [The European Cooperative Society \(Involvement of Employees\) Regulations 2006 \(S.I. 2006/2059\)](#), regs. 1(2), **34(4)**
- F12** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(g) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F13** Words in Sch. 5 omitted (31.12.2020) by virtue of [The Companies, Limited Liability Partnerships and Partnerships \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/348\)](#), reg. 2, **Sch. 3 para. 8**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: Employment Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F14** Words in Sch. 5 inserted (27.7.2008) by [Cross-border Railway Services \(Working Time\) Regulations 2008 \(S.I. 2008/1660\)](#), reg. 1(1), **Sch. 3 para. 3(c)**
- F15** Sch. 5 entry inserted by 2010 c. 15 Sch. 26 Pt. 1 para. 49(3) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2)

Textual Amendments

- F2** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(a) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F3** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(b) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F4** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(c) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F5** Words in Sch. 5 substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), **Sch. 1 para. 43**; S.I. 2004/2566, art. 3(b) (with art. 6)
- F6** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(d) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F7** Words in Sch. 5 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2
- F8** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(e) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F9** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(f) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F10** Words in Sch. 5 inserted (6.4.2007) by [Employment Act 2002 \(Amendment of Schedules 3, 4 and 5\) Order 2007 \(S.I. 2007/30\)](#), arts. 1, **2** (with art. 3)
- F11** Words in Sch. 5 inserted (18.8.2006) by [The European Cooperative Society \(Involvement of Employees\) Regulations 2006 \(S.I. 2006/2059\)](#), regs. 1(2), **34(4)**
- F12** Sch. 5 entry repealed by 2010 c. 15 Sch. 26 Pt. 1 para. 49(2)(g) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), Sch. 1 para. 5, **2** (see S.I. 2010/2317, art. 2)
- F13** Words in Sch. 5 omitted (31.12.2020) by virtue of [The Companies, Limited Liability Partnerships and Partnerships \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/348\)](#), reg. 2, **Sch. 3 para. 8**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Sch. 5 inserted (27.7.2008) by [Cross-border Railway Services \(Working Time\) Regulations 2008 \(S.I. 2008/1660\)](#), reg. 1(1), **Sch. 3 para. 3(c)**
- F15** Sch. 5 entry inserted by 2010 c. 15 Sch. 26 Pt. 1 para. 49(3) Sch. 27 Pt. 1 (as amended) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 5** (see S.I. 2010/2317, art. 2)

Changes to legislation:

Employment Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3)(e) and word inserted by [2023 c. 20 Sch. para. 36\(4\)\(c\)](#)
- s. 15(2)(bb) word omitted by [2023 c. 20 Sch. para. 43\(a\)](#)
- s. 15(2)(bc) inserted by [2023 c. 20 Sch. para. 43\(b\)](#)