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## SCHEDULES

VALID FROM 08/12/2002

### SCHEDULE 1

Sections 11 and 12

#### PENALTIES: PROCEDURE AND APPEALS

.....

VALID FROM 12/05/2006

### SCHEDULE 2

Section 29

#### STATUTORY DISPUTE RESOLUTION PROCEDURES

VALID FROM 06/04/2009

### PART 1

#### DISMISSAL AND DISCIPLINARY PROCEDURES

PROSPECTIVE

### CHAPTER 1

#### STANDARD PROCEDURE

*Step 1: statement of grounds for action and invitation to meeting*

- 1 (1) The employer must set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead him to contemplate dismissing or taking disciplinary action against the employee.
- (2) The employer must send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

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*Step 2: meeting*

- 2
- (1) The meeting must take place before action is taken, except in the case where the disciplinary action consists of suspension.
  - (2) The meeting must not take place unless—
    - (a) the employer has informed the employee what the basis was for including in the statement under paragraph 1(1) the ground or grounds given in it, and
    - (b) the employee has had a reasonable opportunity to consider his response to that information.
  - (3) The employee must take all reasonable steps to attend the meeting.
  - (4) After the meeting, the employer must inform the employee of his decision and notify him of the right to appeal against the decision if he is not satisfied with it.

*Step 3: appeal*

- 3
- (1) If the employee does wish to appeal, he must inform the employer.
  - (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a further meeting.
  - (3) The employee must take all reasonable steps to attend the meeting.
  - (4) The appeal meeting need not take place before the dismissal or disciplinary action takes effect.
  - (5) After the appeal meeting, the employer must inform the employee of his final decision.

PROSPECTIVE

**CHAPTER 2**

MODIFIED PROCEDURE

*Step 1: statement of grounds for action*

- 4
- The employer must—
- (a) set out in writing—
    - (i) the employee's alleged misconduct which has led to the dismissal,
    - (ii) what the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and
    - (iii) the employee's right to appeal against dismissal, and
  - (b) send the statement or a copy of it to the employee.

*Step 2: appeal*

- 5
- (1) If the employee does wish to appeal, he must inform the employer.

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- (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a meeting.
- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the appeal meeting, the employer must inform the employee of his final decision.

VALID FROM 06/04/2009

## PART 2

### GRIEVANCE PROCEDURES

PROSPECTIVE

## CHAPTER 1

### STANDARD PROCEDURE

#### *Step 1: statement of grievance*

- 6           The employee must set out the grievance in writing and send the statement or a copy of it to the employer.

#### *Step 2: meeting*

- 7           (1) The employer must invite the employee to attend a meeting to discuss the grievance.
- (2) The meeting must not take place unless—
- (a) the employee has informed the employer what the basis for the grievance was when he made the statement under paragraph 6, and
  - (b) the employer has had a reasonable opportunity to consider his response to that information.
- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the meeting, the employer must inform the employee of his decision as to his response to the grievance and notify him of the right to appeal against the decision if he is not satisfied with it.

#### *Step 3: appeal*

- 8           (1) If the employee does wish to appeal, he must inform the employer.
- (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a further meeting.

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- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the appeal meeting, the employer must inform the employee of his final decision.

PROSPECTIVE

## CHAPTER 2

### MODIFIED PROCEDURE

#### *Step 1: statement of grievance*

9

The employee must—

- (a) set out in writing—
  - (i) the grievance, and
  - (ii) the basis for it, and
- (b) send the statement or a copy of it to the employer.

#### *Step 2: response*

10

The employer must set out his response in writing and send the statement or a copy of it to the employee.

VALID FROM 06/04/2009

## PART 3

### GENERAL REQUIREMENTS

PROSPECTIVE

#### *Introductory*

11

The following requirements apply to each of the procedures set out above (so far as applicable).

PROSPECTIVE

#### *Timetable*

12

Each step and action under the procedure must be taken without unreasonable delay.

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PROSPECTIVE

*Meetings*

- 13 (1) Timing and location of meetings must be reasonable.
- (2) Meetings must be conducted in a manner that enables both employer and employee to explain their cases.
- (3) In the case of appeal meetings which are not the first meeting, the employer should, as far as is reasonably practicable, be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

VALID FROM 06/04/2009

**PART 4**

SUPPLEMENTARY

PROSPECTIVE

*Status of meetings*

- 14 A meeting held for the purposes of this Schedule is a hearing for the purposes of section 13(4) and (5) of the Employment Relations Act 1999 (c. 26) (definition of “disciplinary hearing” and “grievance hearing” in relation to the right to be accompanied under section 10 of that Act).

*Scope of grievance procedures*

- 15 (1) The procedures set out in Part 2 are only applicable to matters raised by an employee with his employer as a grievance.
- (2) Accordingly, those procedures are only applicable to the kind of disclosure dealt with in Part 4A of the Employment Rights Act 1996 (c. 18) (protected disclosures of information) if information is disclosed by an employee to his employer in circumstances where—
- (a) the information relates to a matter which the employee could raise as a grievance with his employer, and
- (b) it is the intention of the employee that the disclosure should constitute the raising of the matter with his employer as a grievance.

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VALID FROM 12/05/2006

### SCHEDULE 3

Section 31

#### TRIBUNAL JURISDICTIONS TO WHICH SECTION 31 APPLIES

VALID FROM 06/04/2009

Section 2 of the Equal Pay Act 1970 (c. 41) (equality clauses)  
 Section 63 of the Sex Discrimination Act 1975 (c. 65) (discrimination in the employment field)  
 Section 54 of the Race Relations Act 1976 (c. 74) (discrimination in the employment field)  
 Section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (detriment in relation to trade union membership and activities)  
 Paragraph 156 of Schedule A1 to that Act (detriment in relation to union recognition rights)  
 [<sup>F1</sup>Section 17A of the Disability Discrimination Act 1995 ] (discrimination in the employment field)  
 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)  
 F2 ...  
 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)  
 [<sup>F3</sup>Regulation 28 of the Employment Equality (Sexual Orientation) Regulations 2003 (discrimination in the employment field)]  
 [<sup>F4</sup>Regulation 28 of the Employment Equality (Religion or Belief) Regulations 2003 (discrimination in the employment field)]

#### Textual Amendments

- F1** Words in Sch. 3 substituted (3.7.2003 for specified purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#) , regs. 1(2)(3), **31(3)**
- F2** Words in Sch. 3 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](#)

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- F3** Words in Sch. 3 inserted (1.12.2003) by [The Employment Equality \(Sexual Orientation\) Regulations 2003 \(S.I. 2003/1661\)](#), reg. 1, **Sch. 5 para. 4(a)**
- F4** Words in Sch. 3 inserted (2.12.2003) by [The Employment Equality \(Religion or Belief\) Regulations 2003 \(S.I. 2003/1660\)](#), reg. 1, **Sch. 5 para. 4(a)**

#### Textual Amendments

- F1** Words in Sch. 3 substituted (3.7.2003 for specified purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **31(3)**
- F2** Words in Sch. 3 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**
- F3** Words in Sch. 3 inserted (1.12.2003) by [The Employment Equality \(Sexual Orientation\) Regulations 2003 \(S.I. 2003/1661\)](#), reg. 1, **Sch. 5 para. 4(a)**
- F4** Words in Sch. 3 inserted (2.12.2003) by [The Employment Equality \(Religion or Belief\) Regulations 2003 \(S.I. 2003/1660\)](#), reg. 1, **Sch. 5 para. 4(a)**

VALID FROM 12/05/2006

## SCHEDULE 4

Section 32

### TRIBUNAL JURISDICTIONS TO WHICH SECTION 32 APPLIES

VALID FROM 06/04/2009

Section 2 of the Equal Pay Act 1970 (c. 41) (equality clauses)  
Section 63 of the Sex Discrimination Act 1975 (c. 65) (discrimination in the employment field)  
Section 54 of the Race Relations Act 1976 (c. 74) (discrimination in the employment field)  
Section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (detriment in relation to trade union membership and activities)  
Paragraph 156 of Schedule A1 to that Act (detriment in relation to union recognition rights)  
[<sup>F5</sup>Section 17A of the Disability Discrimination Act 1995] (discrimination in the employment field)  
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)  
<sup>F6</sup> ...  
Regulation 30 of the Working Time Regulations 1998 (S.I. 1998/1833) (breach of regulations)

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Regulation 32 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I. 1999/3323) (detriment relating to European Works Councils)  
 [<sup>F7</sup>Regulation 28 of the Employment Equality (Sexual Orientation) Regulations 2003 (discrimination in the employment field)]  
 [<sup>F8</sup>Regulation 28 of the Employment Equality (Religion or Belief) Regulations 2003 (discrimination in the employment field)]

#### Textual Amendments

- F5** Words in Sch. 4 substituted (3.7.2003 for specified purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#) , regs. 1(2) (3) 31(3)
- F6** Words in Sch. 4 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
- F7** Words in Sch. 4 inserted (1.12.2003) by [The Employment Equality \(Sexual Orientation\) Regulations 2003 \(S.I. 2003/1661\)](#), reg. 1, [Sch. 5 para. 4\(b\)](#)
- F8** Words in Sch. 4 inserted (2.12.2003) by [The Employment Equality \(Religion or Belief\) Regulations 2003 \(S.I. 2003/1660\)](#), reg. 1, [Sch. 5 para. 4\(b\)](#)

#### Textual Amendments

- F5** Words in Sch. 4 substituted (3.7.2003 for specified purposes) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#) , regs. 1(2) (3) 31(3)
- F6** Words in Sch. 4 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
- F7** Words in Sch. 4 inserted (1.12.2003) by [The Employment Equality \(Sexual Orientation\) Regulations 2003 \(S.I. 2003/1661\)](#), reg. 1, [Sch. 5 para. 4\(b\)](#)
- F8** Words in Sch. 4 inserted (2.12.2003) by [The Employment Equality \(Religion or Belief\) Regulations 2003 \(S.I. 2003/1660\)](#), reg. 1, [Sch. 5 para. 4\(b\)](#)

VALID FROM 18/08/2006

## SCHEDULE 5

Section 38

### TRIBUNAL JURISDICTIONS TO WHICH SECTION 38 APPLIES

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## SCHEDULE 6

Section 50

### USE OF INFORMATION FOR, OR RELATING TO, EMPLOYMENT AND TRAINING

*Supply and use of employment or training information by Secretary of State etc.*

1 In section 3 of the Social Security Act 1998 (c. 14) (use of information)—



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- (a) in subsection (1), after “war pensions” there is inserted “, or employment or training”;
  - (b) in subsection (2)(a), after “war pensions” there is inserted “, or employment or training”; and
  - (c) in subsection (4), at the end there is inserted “or the Department for Employment and Learning in Northern Ireland”.
- 2 In section 122C of the Social Security Administration Act 1992 (c. 5) (supply of information to authorities administering benefit)—
- (a) in subsection (1), after “social security” there is inserted “, child support or war pensions, or employment or training,”; and
  - (b) after subsection (7) there is inserted—
    - “(8) In this section and section 122D below “war pension” has the same meaning as in section 25 of the Social Security Act 1989.”
- 3 In section 122D of that Act (supply of information by authorities administering benefit), in subsection (1), after “social security” there is inserted “, child support or war pensions, or employment or training”.
- 4 Section 3(3) of the Social Security Act 1998 (c. 14) (which is superseded by paragraphs 2 and 3) shall cease to have effect.

#### *Supply of tax information for employment or training purposes*

- 5 In section 122 of the Social Security Administration Act 1992 (c. 5) (supply of information held by tax authorities for fraud prevention and verification)—
- (a) in subsection (2), after paragraph (a) there is inserted—
    - “(aa) for use in the prevention, detection, investigation or prosecution of offences relating to payments under section 2 of the Employment and Training Act 1973 (c. 50) or other payments by or to the Secretary of State for any purposes connected with employment or training;”;
  - (b) in that subsection, after paragraph (b) there is inserted “or
    - (c) for use in checking the accuracy of information relating to employment or training and (where appropriate) amending or supplementing such information.”; and
  - (c) in subsection (4), after “paragraph (b)” there is inserted “ or (c) ”.
- 6 After that section there is inserted—

#### **“122ZA Supply of tax information to assess certain employment or training schemes**

- (1) This section applies to information which—
  - (a) relates to the commencement or cessation of employment or self-employment of persons who have participated in any designated employment or training scheme; and
  - (b) is required by the Secretary of State or the Northern Ireland Department in order to assess policy relating to such schemes.
- (2) In subsection (1) “designated employment or training scheme” means any scheme which—

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- (a) is operated by the Secretary of State or the Northern Ireland Department (whether under arrangements with any other person or not) for any purposes connected with employment or training; and
  - (b) is designated by the Secretary of State for the purposes of this section.
- (3) In subsection (1) the reference to the commencement or cessation of the self-employment of any person is a reference to the commencement or cessation of any trade, profession or vocation carried on by him.
- (4) No obligation as to secrecy imposed by statute or otherwise on a person employed in relation to the Inland Revenue shall prevent any such information obtained or held in connection with the assessment or collection of income tax from being disclosed to—
- (a) the Secretary of State;
  - (b) the Northern Ireland Department; or
  - (c) an officer of either of them authorised to receive such information for the purposes of this section.
- (5) This section extends only to disclosure by or under the authority of the Inland Revenue.
- (6) Information which is the subject of disclosure to any person by virtue of this section shall not be further disclosed to any person except where the further disclosure is made—
- (a) to a person to whom disclosure could be made by virtue of subsection (4); or
  - (b) for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995 (c. 18) or this Act or to any provision of Northern Ireland legislation corresponding to any of them.”
- 7 In section 116 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (supply of information held by tax authorities for fraud prevention and verification)—
- (a) in subsection (2), after paragraph (a) there is inserted—
    - “(aa) for use in the prevention, detection, investigation or prosecution of offences relating to payments under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29) or other payments by or to the Department for Employment and Learning for any purposes connected with employment or training;”;
  - (b) in that subsection, after paragraph (b) there is inserted “or
    - (c) for use in checking the accuracy of information relating to employment or training and (where appropriate) amending or supplementing such information.”; and
  - (c) in subsection (4), after “paragraph (b)” there is inserted “ or (c) ”.
- 8 After that section there is inserted—

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### **“116ZA Supply of tax information to assess certain employment or training schemes**

- (1) This section applies to information which—
  - (a) relates to the commencement or cessation of employment or self-employment of persons who have participated in any designated employment or training scheme; and
  - (b) is required by the Department or the Secretary of State in order to assess policy relating to such schemes.
- (2) In subsection (1) “designated employment or training scheme” means any scheme which—
  - (a) is operated by the Department or the Secretary of State (whether under arrangements with any other person or not) for any purposes connected with employment or training; and
  - (b) is designated by the Department for the purposes of this section.
- (3) In subsection (1) the reference to the commencement or cessation of the self-employment of any person is a reference to the commencement or cessation of any trade, profession or vocation carried on by him.
- (4) No obligation as to secrecy imposed by statute or otherwise on a person employed in relation to the Inland Revenue shall prevent any such information obtained or held in connection with the assessment or collection of income tax from being disclosed to—
  - (a) the Department;
  - (b) the Secretary of State; or
  - (c) an officer of either of them authorised to receive such information for the purposes of this section.
- (5) This section extends only to disclosure by or under the authority of the Inland Revenue.
- (6) Information which is the subject of disclosure to any person by virtue of this section shall not be further disclosed to any person except where the further disclosure is made—
  - (a) to a person to whom disclosure could be made by virtue of subsection (4); or
  - (b) for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them.”

#### *Supply of Inland Revenue tax credits information for employment or training purposes*

- 9 In paragraph 2 of Schedule 5 to the Tax Credits Act 1999 (c. 10) (use and exchange of information)—
  - (a) in sub-paragraph (2)—
    - (i) after “and” there is inserted “ (subject to sub-paragraph (2A)) ”; and
    - (ii) at the end there is inserted “, or employment or training”;

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- (b) after that sub-paragraph there is inserted—
  - “(2A) An authorised officer may not require the supply under sub-paragraph (2) of information for use for the purposes of functions relating to employment or training.”;
- and
- (c) in sub-paragraph (3), for “sub-paragraph (2) above” there is substituted “this paragraph”.

*Supply to Inland Revenue of employment or training information for purposes of tax credits*

- 10 In paragraph 3 of Schedule 5 to the Tax Credits Act 1999 (use and exchange of information)—
- (a) in sub-paragraph (1), after “war pensions” there is inserted “ , or employment or training ”;
  - (b) in sub-paragraph (2), after “and” there is inserted “ (subject to sub-paragraph (2A)) ”; and
  - (c) after that sub-paragraph there is inserted—
    - “(2A) An officer of the Inland Revenue may not require the supply under sub-paragraph (2) of information which is held for the purposes of functions relating to employment or training.”

*Supply of other Inland Revenue information for employment or training purposes*

- 11 In section 121E of the Social Security Administration Act 1992 (c. 5) (supply of contributions etc. information held by Inland Revenue)—
- (a) in subsection (2)—
    - (i) after “and” there is inserted “ (subject to subsection (2A)) ”; and
    - (ii) at the end there is inserted “ , or employment or training ”;
  - (b) after that subsection there is inserted—
    - “(2A) An authorised officer may not require the supply under subsection (2) of information for use for the purposes of functions relating to employment or training.”;
  - and
  - (c) in subsection (3), for “subsection (2)” there is substituted “ this section ”.
- 12 In section 115D of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (supply of contributions etc. information held by Inland Revenue)—
- (a) in subsection (2)—
    - (i) after “and” there is inserted “ (subject to subsection (2A)) ”; and
    - (ii) at the end there is inserted “ or employment or training ”;
  - (b) after that subsection there is inserted—
    - “(2A) An authorised officer may not require the supply under subsection (2) of information for use for the purposes of functions relating to employment or training.”;
  - and
  - (c) in subsection (3), for “subsection (2)” there is substituted “ this section ”.

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*Supply to Inland Revenue of employment or training information for other purposes*

- 13 In section 121F of the Social Security Administration Act 1992 (supply to Inland Revenue for purposes of contributions etc. of information held by Secretary of State)
- 
- (a) in subsection (1), after “war pensions” there is inserted “, or employment or training”;
- (b) in subsection (2), after “and” there is inserted “ (subject to subsection (2A)) ”; and
- (c) after that subsection there is inserted—
- “(2A) An officer of the Inland Revenue may not require the supply under subsection (2) of information which is held for the purposes of functions relating to employment or training.”
- 14 In section 115E of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (supply to Inland Revenue for purposes of contributions etc. of information held by Department or Secretary of State)—
- (a) in subsection (1), after “child support” there is inserted “ or employment or training”;
- (b) in subsection (2), after “and” there is inserted “ (subject to subsection (2A)) ”; and
- (c) after that subsection there is inserted—
- “(2A) An officer of the Inland Revenue may not require the supply under subsection (2) of information which is held for the purposes of functions relating to employment or training.”

SCHEDULE 7

Section 53

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 08/12/2002

*Finance Act 1989 (c. 26)*

- 1 (1) Section 182 of the Finance Act 1989 (disclosure of information) is amended as follows.
- (2) In each of the following provisions—
- (a) subsection (1)(c) (offence of disclosure of information relevant to statutory sick pay or maternity pay held in the exercise of social security functions),
- (b) subsection (2A)(a) (meaning of social security functions),
- (c) subsection (4)(c)(iii) (offence of disclosure of information relevant to statutory sick pay or maternity pay held in the exercise of certain other functions), and
- (d) subsection (5)(b) (defence of disclosure with consent),
- for “or statutory maternity pay” there is substituted “, statutory maternity pay, statutory paternity pay or statutory adoption pay”.

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(3) After subsection (11) there is inserted—

“(11A) In this section, references to statutory paternity pay or statutory adoption pay include statutory pay under Northern Ireland legislation corresponding to Part 12ZA or Part 12ZB of the Social Security Contributions and Benefits Act 1992 (c. 4).”

VALID FROM 08/12/2002

*Social Security Contributions and Benefits Act 1992 (c. 4)*

2 The Social Security Contributions and Benefits Act 1992 is amended as follows.

**Commencement Information**

**II** Sch. 7 para. 2 partly in force; Sch. 7 para. 2 not in force at Royal Assent, see s. 55(2); Sch. 7 para. 2 in force for certain purposes at 8.12.2002 and 6.4.2003 by [S.I. 2002/2866](#), [art. 2\(2\)\(3\)](#), [Sch. 1 Pts. 2, 3](#)

VALID FROM 08/12/2002

3 In section 4 (payments treated as remuneration and earnings), in subsection (1) (a) (payments in satisfaction of entitlement to statutory sick pay or maternity pay), after “maternity pay;” there is inserted—

“(iii) statutory paternity pay; or  
 (iv) statutory adoption pay;”.

VALID FROM 06/04/2003

4 (1) Section 35 (maternity allowance) is amended as follows.

(2) In subsection (1), for paragraph (c) there is substituted—

“(c) her average weekly earnings (within the meaning of section 35A below) are not less than the maternity allowance threshold for the tax year in which the beginning of the period of 66 weeks mentioned in paragraph (b) above falls;”.

(3) In subsection (3)(c), for “above or in section 35A(2) or (3) below” there is substituted “or (c) above”.

(4) After subsection (6) there is inserted—

“(6A) In this section “the maternity allowance threshold”, in relation to a tax year, means (subject to subsection (6B) below) £30.

(6B) The Secretary of State may, in relation to any tax year after 2001-2002, by order increase the amount for the time being specified in subsection (6A) above to such amount as is specified in the order.

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

(6C) When deciding whether, and (if so) by how much, to increase the amount so specified the Secretary of State shall have regard to the movement, over such period as he thinks fit, in the general level of prices obtaining in Great Britain (estimated in such manner as he thinks fit).

(6D) The Secretary of State shall in each tax year carry out such a review of the amount for the time being specified in subsection (6A) above as he thinks fit.”

VALID FROM 06/04/2003

5 In section 35A (appropriate weekly rate of maternity allowance), for subsections (6) to (8) there is substituted—

“(6) In this section “the maternity allowance threshold” has the same meaning as in section 35 above and “specified” means prescribed by or determined in accordance with regulations.”

VALID FROM 06/04/2003

6 In section 164 (statutory maternity pay – entitlement and liability to pay), in subsection (10)(b), for “section 166(2)” there is substituted “ section 166(1) and (2) ”.

VALID FROM 08/12/2002

7 In section 176 (Parliamentary control), in subsection (1)(a) (affirmative procedure: regulations), at the end there is inserted “ section 171ZE(1); section 171ZN(1. ”

*Social Security Administration Act 1992 (c. 5)*

8 The Social Security Administration Act 1992 is amended as follows.

VALID FROM 05/07/2003

9 (1) Section 2B (supplementary provisions about work-focused interviews) is amended as follows.

(2) In subsection (1), after “relevant decisions” there is inserted “ made under regulations under section 2A or 2AA ”.

(3) In subsection (2), for the words from “is a” to “2A above” there is substituted “ , in relation to regulations under section 2A above, is a decision ”.

(4) After subsection (2) there is inserted—

“(2A) For the purposes of this section a “relevant decision”, in relation to regulations under section 2AA above, is a decision that—

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

- (a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
- (b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.”

(5) In subsections (3), (5)(a) and (9), after “section 2A” there is inserted “ or 2AA ”.

VALID FROM 05/07/2003

- 10 In section 2C (optional work-focused interviews), in subsection (2)—
- (a) for the words from “persons” (in the first place it appears) to the end of paragraph (b) there is substituted “—
    - (a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and
    - (b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit;”;
  - (b) after “section 2A” there is inserted “ or 2AA ”.

VALID FROM 08/12/2002

- 11 In section 5 (regulations about claims for and payments of benefit), in subsection (5) (application to statutory sick pay and statutory maternity pay), for “and statutory maternity pay” there is substituted “, statutory maternity pay, statutory paternity pay and statutory adoption pay”.

- 12 In section 7A (sharing of functions as regards claims and information)—
- (a) in subsection (2), after “social security” (in each place) there is inserted “ or work ”;
  - (b) in subsection (6), for paragraph (e) there is substituted—
    - “(e) “social security or work matters” means matters relating to—
      - (i) social security, child support or war pensions, or
      - (ii) employment or training;”.

VALID FROM 08/12/2002

- 13 In section 122AA (disclosure of information by the Inland Revenue), in subsection (1) (which permits the disclosure of information relating to statutory sick pay and maternity pay by the Board to certain authorities, or in connection with certain agreements with countries outside the United Kingdom), for “or statutory maternity pay” there is substituted “, statutory maternity pay, statutory paternity pay or statutory adoption pay”.



*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

VALID FROM 06/04/2003

- 14 In section 150 (annual uprating of benefits), in subsection (1)(j), for “section 166(3)” there is substituted “ section 166(1)(b), 171ZE(1) or 171ZN(1) ”.

VALID FROM 05/07/2003

- 15 In section 190 (Parliamentary control of orders and regulations), in subsection (1), after paragraph (aa) there is inserted—  
“(ab) the first regulations to be made under section 2AA;”.

- 16 In section 191 (interpretation – general), for the definition of “the Northern Ireland Department” there is substituted—  
““the Northern Ireland Department” means the Department for Social Development but—  
(a) in section 122 and sections 122B to 122E also includes the Department of Finance and Personnel; and  
(b) in sections 121E, 121F, 122, 122ZA, 122C and 122D also includes the Department for Employment and Learning;”.

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

- 17 In section 167(1) of the Social Security Administration (Northern Ireland) Act 1992 (interpretation – general), for the definition of “the Department” there is substituted—  
““the Department” means the Department for Social Development but—  
(a) in sections 109A, 116 and 116B to 116D also includes the Department of Finance and Personnel; and  
(b) in sections 115D, 115E, 116 and 116ZA also includes the Department for Employment and Learning;”.

VALID FROM 06/04/2003

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 18 The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

**Commencement Information**

- I2** Sch. 7 para. 18 in force for specified purposes at 6.4.2003 by [S.I. 2002/2866](#), [art. 2\(3\)](#), [Sch. 1 Pt. 3](#) (with Sch. 3)

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

VALID FROM 27/04/2003

- 19 In section 171 (time limit for proceedings under section 168, 169 or 170), after “168,” there is inserted “ 168A, ”.

VALID FROM 27/04/2003

- 20 In section 172(1) (remedies for complaint under section 168 or 170), after “168” there is inserted “ , 168A ”.

VALID FROM 27/04/2003

- 21 In section 173 (provisions supplementary to sections 168 to 170)—
- (a) in subsection (1), after “168” there is inserted “ , 168A ”, and
  - (b) in subsection (2), after “168,” there is inserted “ 168A, ”.

VALID FROM 06/04/2003

- 22 In section 212A(1) (claims and proceedings to which ACAS arbitration scheme applies)—
- (a) after “tribunal” insert “ under, or ”, and
  - (b) after “contravention of” insert—
    - “(za) section 80G(1) or 80H(1)(b) of the Employment Rights Act 1996 (flexible working),”
- and
- (c) in paragraph (a), for “the Employment Rights Act 1996” substitute “ that Act ”.

VALID FROM 06/04/2003

*Employment Tribunals Act 1996 (c. 17)*

- 23 (1) The Employment Tribunals Act 1996 is amended as follows.
- (2) In section 18(1) (claims and proceedings to which provisions as to conciliation apply)—
- (a) in paragraph (b), after “168,” there is inserted “ 168A, ”,
  - (b) in paragraph (d)—
    - (i) at the beginning there is inserted “ under or ”, and
    - (ii) after “28,” there is inserted “ 80G(1), 80H(1)(b), ”, and
  - (c) in paragraph (f), at the beginning there is inserted “ under or ”.
- (3) In section 19 (conciliation procedure), at the end of paragraph (a) there is inserted “ and ”.

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

**Commencement Information**

- I3** Sch. 7 para. 23(1) in force for specified purposes at 6.4.2003 by [S.I. 2002/2866](#), **art. 2(3)**, **Sch. 1 Pt. 3 (with Sch. 3)**
- I4** Sch. 7 para. 23(2)(b)(c) in force at 6.4.2003 by [S.I. 2002/2866](#), **art. 2(3)**, **Sch. 1 Pt. 3 (with Sch. 3)**

*Employment Rights Act 1996 (c. 18)*

24 The Employment Rights Act 1996 is amended as follows.

**Commencement Information**

- I5** Sch. 7 para. 24 partly in force; Sch. 7 para. 24 not in force at Royal Assent see s. 55(2); Sch. 7 para. 24 in force for certain purposes at 24.11.2002, 8.12.2002 and 6.4.2003 by [S.I. 2002/2866](#), **art. 2(1)-(3)**, **Sch. 1**

VALID FROM 08/12/2002

- 25 In section 27(1) (meaning of “wages”), after paragraph (c) there is inserted—
- “(ca) statutory paternity pay under Part 12ZA of that Act,
  - (cb) statutory adoption pay under Part 12ZB of that Act,”.

VALID FROM 08/12/2002

- 26 (1) Section 47C (leave for family and domestic reasons) is amended as follows.
- (2) After paragraph (b) of subsection (2) there is inserted—
- “(ba) ordinary or additional adoption leave,”.
- (3) For “or” at the end of paragraph (c) of subsection (2) there is substituted—
- “(ca) paternity leave, or”.

VALID FROM 06/04/2003

- 27 In section 48 (right to present complaint of detriment to employment tribunal), in subsection (1), for “or 47C” there is substituted “, 47C or 47D”.

- 28 In section 78 (parental leave: special cases), in subsection (6), for the words from “to maternity” to the end there is substituted—

“to parental leave and partly to—

- (a) maternity leave, or
- (b) adoption leave,

or to both. ”

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

VALID FROM 08/12/2002

- 29 (1) Section 88 (pay during notice period: employments with normal working hours) is amended as follows.
- (2) In subsection (1)(c), for “parental leave” there is substituted “ adoption leave, parental leave or paternity leave ”.
- (3) In subsection (2), after “statutory maternity pay,” there is inserted “ paternity pay, statutory paternity pay, adoption pay, statutory adoption pay, ”.

VALID FROM 08/12/2002

- 30 (1) Section 89 (pay during notice period: employments without normal working hours) is amended as follows.
- (2) In subsection (3)(b), for “parental leave” there is substituted “ adoption leave, parental leave or paternity leave ”.
- (3) In subsection (4), after “statutory maternity pay,” there is inserted “ paternity pay, statutory paternity pay, adoption pay, statutory adoption pay, ”.

VALID FROM 08/12/2002

- 31 In section 92 (right to written statement of reasons for dismissal), in subsections (2) and (3), for “subsection (4)” there is substituted “ subsections (4) and (4A) ”, and after subsection (4) there is inserted—
- “(4A) An employee who is dismissed while absent from work during an ordinary or additional adoption leave period is entitled to a written statement under this section without having to request it and irrespective of whether he has been continuously employed for any period if he is dismissed in circumstances in which that period ends by reason of the dismissal.”

PROSPECTIVE

- 32 In section 98 (fairness of dismissal: general), in subsection (6)—
- (a) for “are” there is substituted “ is ”, and
- (b) in paragraph (a), for “99” there is substituted “ 98A ”.

VALID FROM 08/12/2002

- 33 (1) Section 99 (unfair dismissal: leave for family reasons) is amended as follows.
- (2) After paragraph (b) of subsection (3) there is inserted—
- “(ba) ordinary or additional adoption leave.”.
- (3) For “or” at the end of paragraph (c) of subsection (3) there is substituted—

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

“(ca) paternity leave, or”.

VALID FROM 27/04/2003

34 In section 104 (protection for those asserting certain statutory rights), in subsection (4)(c) (relevant statutory rights under the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) after “168,” there is inserted “ 168A, ”.

VALID FROM 08/12/2002

35 In section 106 (dismissal of replacement employees), in subsection (2)(a), after “childbirth,” there is inserted “ or on adoption leave ”.

PROSPECTIVE

36 In section 112(4) (which provides that an award of compensation for unfair dismissal where no order is made for reinstatement or re-engagement shall be calculated in accordance with certain provisions of that Act), for “127A” there is substituted “ 126 ”.

PROSPECTIVE

37 In section 117(3)(a) (which provides that an award of compensation for unfair dismissal where an order for reinstatement or re-engagement is not complied with shall be calculated in accordance with certain provisions of that Act), for “127A” there is substituted “ 126 ”.

PROSPECTIVE

38 In section 118(1)(b) (which provides that compensation for unfair dismissal shall include a compensatory award calculated in accordance with certain provisions of that Act), for “126 and 127A(1), (3) and (4)” there is substituted “ 124A and 126 ”.

PROSPECTIVE

39 In section 123(1) (which provides that calculation of the compensatory award is subject to the provisions of that section and certain other provisions of that Act), for “, 126, 127 and 127A(1), (3) and (4)” there is substituted “ , 124A and 126 ”.

PROSPECTIVE

40 Section 127A(internal appeal procedures) shall cease to have effect.

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

VALID FROM 06/04/2003

- 41 In section 191(2) (provisions of the Act which have effect in relation to Crown employment), for paragraph (c) there is substituted—  
 “(c) Parts 6 to 8A,”.

VALID FROM 06/04/2003

- 42 In section 192(2)(e) (provisions of Part 10 of the Act which have effect in relation to service as a member of the armed forces), after “103” there is inserted “ , 104C ”.

VALID FROM 06/04/2003

- 43 In sections 194(2) and 195(2) (provisions of the Act which have effect in relation to employment as a member of the House of Lords or House of Commons staff)—  
 (a) in paragraph (c), for “and 47C” there is substituted “ , 47C and 47D ”,  
 and  
 (b) for paragraph (e) there is substituted—  
 “(e) Parts 7, 8 and 8A,”.

VALID FROM 06/04/2003

- 44 (1) Section 199 (application of the Act to mariners) is amended as follows.  
 (2) In subsection (2) (provisions not applying to share fishermen)—  
 (a) after “47C,” there is inserted “ 47D, ”, and  
 (b) for “Parts VII and VIII” there is substituted “ Parts 7, 8 and 8A ”.  
 (3) In subsection (8) (provisions whose application is subject to the limitation in subsection (7)), for paragraph (d) there is substituted—  
 “(d) Parts 7, 8 and 8A,”.

VALID FROM 06/04/2003

- 45 In section 225 (definition of calculation date for the purposes of the calculation of a week’s pay in relation to cases connected with rights during employment), at the end there is inserted—  
 “(6) Where the calculation is for the purposes of section 80I, the calculation date is the day on which the application under section 80F was made.”

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

PROSPECTIVE

- 46 In section 226(3) (definition of calculation date for the purposes of the calculation of a week's pay in relation to cases connected with unfair dismissal), for "119, 121 or 127A" there is substituted " 112, 119, 120 or 121 ".

VALID FROM 06/04/2003

- 47 (1) Section 227(1) (maximum amount of week's pay) is amended as follows.
- (2) Before paragraph (a) there is inserted—  
“(za) an award of compensation under section 80I(1)(b),”.
- (3) For “or” at the end of paragraph (b) there is substituted—  
“(ba) an award under section 112(5), or”.

**Commencement Information**

**I6** Sch. 7 para. 47(1)(2) in force at 6.4.2003 by [S.I. 2002/2866, art. 2\(3\)](#), [Sch. 1 Pt. 3](#) (with [Sch. 3](#))

VALID FROM 08/12/2002

- 48 (1) Section 235 (other definitions) is amended as follows.
- (2) In subsection (1), there is inserted at the appropriate place—  
““paternity leave” means leave under section 80A or 80B,”.
- (3) In the definition of “week” in subsection (1), for “section 86” there is substituted “ sections 80A, 80B and 86 ”.

VALID FROM 08/12/2002

- 49 (1) Section 236(3) (procedure for making orders and regulations) is amended as follows.
- (2) After “73,” there is inserted “ 75A, 75B, ”.
- (3) After “76,” there is inserted “ 80A, 80B, 80G, ”.

**Commencement Information**

**I7** Sch. 7 para. 49 wholly in force at 6.4.2003; Sch. 7 para. 49 not in force at Royal Assent, see s. 55(2); Sch. 7 para. 49 in force for certain purposes at 8.12.2002 by [S.I. 2002/2866, art. 2\(2\)](#), [Sch. 1 Pt. 2](#) and wholly in force at 6.4.2003 by [S.I. 2002/2866, art. 2\(3\)](#), [Sch. 1 Pt. 3](#)

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

*Finance Act 1997 (c.16)*

- 50 In section 110 of the Finance Act 1997 (which only permits the supply by social security authorities to the Board of information for certain specified uses), in subsection (5A) (which ensures that certain kinds of disclosure are nevertheless permitted), for the words from “or paragraph 3” to the end there is substituted “, paragraph 3 of Schedule 5 to the Tax Credits Act 1999 (supply to Inland Revenue for purposes of tax credit of information so held) or section 14 of the Employment Act 2002 (supply to Inland Revenue for purposes of statutory paternity pay or statutory adoption pay of information so held).”

VALID FROM 05/07/2003

*Social Security Act 1998 (c. 14)*

- 51 In paragraph 5A of Schedule 2 to the Social Security Act 1998 (no appeal against a decision made in consequence of a decision under regulations under section 2A of the Administration Act), after “section 2A” there is inserted “ or 2AA ”.

*Tax Credits Act 1999 (c. 10)*

- 52 In section 18 of the Tax Credits Act 1999 (interpretation), in the definition of “the Department”, at the end there is inserted “ but in paragraphs 2 and 3 of Schedule 5 also includes the Department for Employment and Learning in Northern Ireland ”.

*Finance Act 1999 (c. 16)*

- 53 Sections 132 and 133 of the Finance Act 1999 shall have effect as if statutory maternity pay, statutory paternity pay and statutory adoption pay were matters which are under the care and management of the Commissioners of Inland Revenue.

VALID FROM 06/04/2003

*Employment Relations Act 1999 (c. 26)*

- 54 In section 23(1) of the Employment Relations Act 1999 (power to extend application of rights conferred under certain enactments), after paragraph (b) there is inserted—  
 “(ba) the Employment Act 2002;”.

VALID FROM 05/07/2003

*Welfare Reform and Pensions Act 1999 (c. 30)*

- 55 In section 72 of the Welfare Reform and Pensions Act 1999, in subsection (3), after paragraph (a) there is inserted—  
 “(aa) section 2AA of the Administration Act;”.



*Status: Point in time view as at 24/11/2002.*

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## SCHEDULE 8

Section 54

### REPEALS AND REVOCATIONS

#### Commencement Information

- I8** Sch. 8 in force for certain purposes at 9.9.2002 by S.I. 2002/2256, art. 2(c)(d), Sch.; Sch. 8 in force for certain purposes at 24.11.2002 and 6.4.2003 by S.I. 2002/2866, art. 2(4)(5), Sch. 2 (with transitional and saving provision in Sch. 3 para. 4)

#### (1) REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Social Security Contributions and Benefits Act 1992 (c. 4).	In section 164(2)(a), the words “, wholly or partly because of pregnancy or confinement”.
Social Security Administration Act 1992 (c. 5).	In section 2B(9), the words from “the following” to the first “and”. In section 122(2), the word “or” before paragraph (b).
Social Security Administration (Northern Ireland) Act 1992 (c. 8).	In section 116(2), the word “or” before paragraph (b).
Employment Tribunals Act 1996 (c. 17).	In section 19, paragraph (c) and the word “and” immediately before it.
Employment Rights Act 1996 (c. 18).	Section 3(3) and (4). Section 118(4). Section 127A.
Social Security Administration (Fraud) Act 1997 (c. 47).	In Schedule 1, paragraph 12(3).
Employment Rights (Dispute Resolution) Act 1998 (c. 8).	Section 13. In Schedule 1, paragraphs 19 to 21, 23 and 26.
Social Security Act 1998 (c. 14).	Section 3(3).
Social Security Contributions (Transfer of Functions, Etc.) Act 1999 (c. 2).	In Schedule 1, paragraph 13.
Employment Relations Act 1999 (c. 26).	Section 11(6).
Welfare Reform and Pensions Act 1999 (c. 30).	Section 53(2)(b).

#### (2) REVOCATIONS

<i>Title and reference</i>	<i>Extent of revocation</i>
Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)).	In Schedule 1, paragraph 7.

*Status: Point in time view as at 24/11/2002.*

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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)*

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Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671). In Schedule 1, paragraph 15.

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**Status:**

Point in time view as at 24/11/2002.

**Changes to legislation:**

Employment Act 2002 is up to date with all changes known to be in force on or before 25 May 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.