

**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Schedule 1 is up to date with all changes known to be in force on or before 22 March 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

### SCHEDULE 1

Section 40

#### EMPLOYEE STUDY AND TRAINING: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Employment Rights Act 1996 (c. 18)*

1 The Employment Rights Act 1996 is amended as follows.

##### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

2 In section 48 (right to present complaint of detriment to employment tribunal), in subsection (1) for “or 47E” substitute “, 47E or 47F”.

##### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

3 In section 105 (unfair dismissal: redundancy), after subsection (7BA) insert—  
“(7BB) This subsection applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in section 104E.”

##### **Commencement Information**

**I3** Sch. 1 para. 3 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

4 In section 108(3) (exceptions to one year qualifying period of continuous employment for claims for unfair dismissal), after paragraph (gj) insert—  
“(gk) section 104E applies.”

##### **Commencement Information**

**I4** Sch. 1 para. 4 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

5 In section 194 (House of Lords staff), in subsection (2)(e) before “VII” insert “6A,”.

##### **Commencement Information**

**I5** Sch. 1 para. 5 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

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- 6 In section 195 (House of Commons staff), in subsection (2)(e) before “VII” insert “6A,”.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 7 In section 199 (mariners)—
- (a) in subsection (2), after “47E,” insert “ 47F, ”;
  - (b) in that subsection, before “VII” insert “ 6A, ”;
  - (c) in subsection (8)(d), before “VII” insert “ 6A, ”.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 8 In section 225 (how to calculate a week's pay in relation to rights during employment) after subsection (4A) insert—
- “(4B) Where the calculation is for the purposes of section 63J, the calculation date is the day on which the section 63D application was made.”

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 9 In section 227(1) (maximum amount of week's pay) before paragraph (za) insert—
- “(zza) an award of compensation under section 63J(1)(b),”.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 10 In section 235(1) (other definitions) at the appropriate place insert—
- ““section 63D application” has the meaning given by section 63D(2);”.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 11 In section 236(3) (orders and regulations subject to affirmative Parliamentary procedure), after “47C,” insert “ 63D, 63F(7), ”.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

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

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

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 13 In section 212A (arbitration scheme for unfair dismissal cases etc.), in subsection (1)—
- (a) before paragraph (za) insert—  
“(zza) section 63F(4), (5) or (6) or 63I(1)(b) of the Employment Rights Act 1996 (study and training);”;
  - (b) in paragraph (za) for “the Employment Rights Act 1996” substitute “ that Act ”.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 14 In section 237(1A)(a) (cases where employee may complain of unfair dismissal despite participation in unofficial industrial action)—
- (a) for “or 104D” substitute “ , 104D or 104E ”;
  - (b) for “and pension scheme membership” substitute “ , pension scheme membership, and study and training ”.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

- 15 In section 238(2A)(a) (cases where employment tribunal to determine whether dismissal of an employee is unfair despite limitation in subsection (2) of that section)—
- (a) for “or 104D” substitute “ , 104D or 104E ”;
  - (b) for “and pension scheme membership” substitute “ , pension scheme membership, and study and training ”.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

*Employment Tribunals Act 1996 (c. 17)*

- 16 In section 18 of the Employment Tribunals Act 1996 (conciliation), in subsection (1)(d) after “28,” insert “ 63F(4), (5) or (6), 63I(1)(b), ”.

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**I16** Sch. 1 para. 16 in force at 6.4.2010 for specified purposes by [S.I. 2010/303](#), [art. 4](#), [Sch. 3](#) (with [arts. 9-11](#))

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 1 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 2 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 3 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 4 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 5 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 6 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 7 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 8 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 9 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 10 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 11 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 12 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 13 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 14 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 15 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)
- Sch. 1 para. 16 coming into force by [S.I. 2010/303 art. 7Sch. 6](#) (Effect not applied to legislation.gov.uk. Art. 7, Sch. 6 omitted (21.3.2011) by virtue of S.I. 2011/882, art. 2)

**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6