

SCHEDULES

SCHEDULE 16

Section 159.

CONSEQUENTIAL AMENDMENTS

House of Commons Offices Act 1846 (9 & 10 Vict. c.77)

- 1 In section 5 of the House of Commons Offices Act 1846, after the words " Employment Protection Act 1975 " there are inserted the words " the Employment Protection (Consolidation) Act 1978 ".

Trade Union Act 1913 (2 & 3 Geo. 5. c.30)

- 2 In section 5A of the Trade Union Act 1913, for the words " section 88(2) of the Employment Protection Act 1975 " there are substituted the words " section 136(2) of the Employment Protection (Consolidation) Act 1978 ".

Iron and Steel Act 1949 (12, 13 & 14 Geo. 6. c.72)

- 3 (1) In section 40 of the Iron and Steel Act 1949, in subsection (3), for the words from " a tribunal" to the end there are substituted the words " an industrial tribunal. ".
(2) In section 41 of the said Act of 1949, in subsection (3), for the words from " a tribunal" to the end there are substituted the words " an industrial tribunal ".

Industrial Training Act 1964 (c. 16)

- 4 (1) In section 4(7) of the Industrial Training Act 1964, for the words from " a tribunal " to " Act" there are substituted the words " an industrial tribunal ".
(2) For subsection (1) of section 12 of the said Act of 1964 there is substituted the following subsection—
“(1) A person assessed to levy imposed under this Act may appeal to an industrial tribunal.”.

Trade Union (Amalgamations, etc.) Act 1964 (c.24)

- 5 In section 4(8) of the Trade Union (Amalgamations, etc.) Act 1964, for the words "section 88(2) of the Employment Protection Act 1975 " there are substituted the words " section 136(2) of the Employment Protection (Consolidation) Act 1978 ".

Transport Act 1968 (c. 73)

- 6 In section 135(4)(b) of the Transport Act 1968, for the words from " a tribunal" to the end there are substituted the words " an industrial tribunal. ".

Status: This is the original version (as it was originally enacted).

Transport (London) Act 1969 (c.35)

- 7 (1) In section 37(4)(b) of the Transport (London) Act 1969, for the words from " a tribunal" to the end there are substituted the words " an industrial tribunal. "
- (2) In paragraph 6 of Schedule 2 to the said Act of 1969, for the words " paragraph 10(3) of Schedule 1 to the Contracts of Employment Act 1963 and section 8(2) of the Redundancy Payments Act 1965, for the purposes of those Acts " there are substituted the words " section 151(1) of and paragraph 17(3) of Schedule 13 to the Employment Protection (Consolidation) Act 1978, for the purposes of that Act " .

Post Office Act 1969 (c.48)

- 8 In paragraph 33 of Schedule 9 to the Post Office Act 1969—
- (a) in sub-paragraph (1) for the words " sections 1 and 2 of the Contracts of Employment Act 1963, Schedule 1 " there are substituted the words " sections 49 and 50 and Part VI of the Employment Protection (Consolidation) Act 1978, Schedule 13 ", for the words " the said Act of 1963 " there are substituted the words " the said Act of 1978 " ; and for the words "twenty-one hours" there are substituted the words " sixteen hours ";
- (b) in sub-paragraph (2), for the words " Schedule 1 to the said Act of 1963 " there are substituted the words " Schedule 13 to the said Act of 1978 ";
- (c) in sub-paragraph (3), for the words " 7 of Schedule 2 to the said Act of 1963 " there are substituted the words " 10 of Schedule 14 to the said Act of 1978 " and for the words from " paragraph 10 " to the end there are substituted the words " Schedule 13 to that Act shall be construed as a reference to that Schedule as it has effect by virtue of sub-paragraph (1) above. ";
- (d) in sub-paragraph (4), for the words " the said Act of 1963 " and " Schedule 1 " there are substituted respectively the words " the said Act of 1978 " and " Schedule 13 " ;
- (e) at the end there is added the following sub-paragraph—
- “(6) This paragraph applies notwithstanding the provisions of section 99 of the Employment Protection (Consolidation) Act 1978.”.

Income and Corporation Taxes Act 1970 (c.10)

- 9 (1) In section 412(6) of the Income and Corporation Taxes Act 1970, for the words " section 32 of the Redundancy Payments Act 1965" there are substituted the words " section 106 of the Employment Protection (Consolidation) Act 1978 " .
- (2) In section 412(7) of the said Act of 1970—
- (a) for the words " Part II of the Redundancy Payments Act 1965 " there are substituted the words " the Employment Protection (Consolidation) Act 1978 " ;
- (b) for the words " section 30(2) of the Redundancy Payments Act 1965 " there are substituted the words " section 104(2) of the Employment Protection (Consolidation) Act 1978 " ;
- (c) for the words " Schedule 5 to the Redundancy Payments Act 1965 " there are substituted the words " Schedule 6 to the Employment Protection (Consolidation) Act 1978 " ;

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

- (d) for the words " the Redundancy Payments Act 1965 " in paragraph (c) of the said section 412(7), there are substituted the words " the Employment Protection (Consolidation) Act 1978 ".

Atomic Energy Authority Act 1971 (c.11)

- 10 (1) In subsection (1) of section 10 of the Atomic Energy Authority Act 1971, for the words "section 22 of the Redundancy Payments Act 1965 " there are substituted the words " section 93 of the Employment Protection (Consolidation) Act 1978 ".
- (2) In subsection (2) of the said section 10—
 - (a) for the words " section 4 of the Contracts of Employment Act 1963 " there are substituted the words " sections 1 to 4 of the Employment Protection (Consolidation) Act 1978 ";
 - (b) for the words " subsection (8) of that section", in both places where they occur, there are substituted the words " section 5 of the said Act of 1978 ";
 - (c) for the words " the said section 4 " there are substituted the words " the said sections 1 to 4 ".
- (3) In subsection (3) of the said section 10—
 - (a) for the words " Section 4A(1) of the Contracts of Employment Act 1963 " there are substituted the words " Section 11 of the Employment Protection (Consolidation) Act 1978 ";
 - (b) for the words " section 4" there are substituted the words " sections 1 to 4 ".
- (4) In subsection (4) of the said section 10—
 - (a) for the words from the beginning to "Redundancy Payments Act 1965 " there are substituted the words " For the purposes of Schedule 13 to the said Act of 1978 (computation of period of employment) ";
 - (b) for the words " paragraph 10" there are substituted the words " paragraph 17 ".

Tribunals and Inquiries Act 1971 (c.62)

- 11 In section 13 of the Tribunals and Inquiries Act 1971, the following subsection is inserted after subsection (1)—
 - “(1A) Subsection (1) of this section shall not apply in relation to proceedings before industrial tribunals which arise under or by virtue of any of the enactments mentioned in section 136(1) of the Employment Protection (Consolidation) Act 1978.”.

Civil Aviation Act 1971 (c.75)

- 12 (1) In paragraph 1 of Schedule 9 to the Civil Aviation Act 1971—
 - (a) in sub-paragraph (1) for the words "sections 1 and 2 of the Contracts of Employment Act 1963, Schedule 1" there are substituted the words " sections 49 and 50 and Part VI of the Employment Protection (Consolidation) Act 1978, Schedule 13 ", for the words "the said Act of 1963 " there are substituted the words " the said Act of 1978 ";
 - and for the words "twenty-one hours" there are substituted the words " sixteen hours ";

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

- (b) in sub-paragraph (2), for the words " Schedule 1 to the said Act of 1963 " there are substituted the words " Schedule 13 to the said Act of 1978 ";
- (c) in sub-paragraph (3), for the words " 7 of Schedule 2 to the said Act of 1963 " there are substituted the words " 10 of Schedule 14 to the said Act of 1978 " and for the words from " paragraph 10 " to the end there are substituted the words " Schedule 13 to that Act shall be construed as a reference to that Schedule as it has effect by virtue of sub-paragraph (1) above. ";
- (d) in sub-paragraph (4), for the words " the said Act of 1963 " and " Schedule 1 " there are substituted respectively the words " the said Act of 1978 " and " Schedule 13 " ;
- (e) at the end there is added the following sub-paragraph—

“(6) This paragraph applies notwithstanding the provisions of section 99 of the Employment Protection (Consolidation) Act 1978.”.

- (2) In paragraph 4 of the said Schedule 9—
 - (a) for the words " paragraph 10(2) of Schedule 1 to the Contracts of Employment Act 1963 and section 13(1) of the Redundancy Payments Act 1965 " there are substituted the words " section 94(1) of and paragraph 17(2) of Schedule 13 to the Employment Protection (Consolidation) Act 1978 ";
 - (b) for the words "the said section 13(1)" there are substituted the words " the said section 94(1) ";
 - (c) for the words from " the said Act of 1963 " to " Act of 1965 " there are substituted the words " the said paragraph 17(2) and the references to the said section 94(1) ", and after the words " a reference " there are inserted the words " to paragraph 10(2) of Schedule 1 ".

Transport Holding Company Act 1972 (c.14)

- 13 (1) In section 2(3)(c) of the Transport Holding Company Act 1972, for the words from " a tribunal" to the end there are substituted the words " an industrial tribunal. ".
- (2) In section 2(7) of the said Act of 1972, for the words "a tribunal established under section 12 of the Industrial Training Act 1964 " there are substituted the words " an industrial tribunal ".

Finance Act 1972 (c.41)

- 14 In paragraph 1(b) of Part V of Schedule 12 to the Finance Act 1972, for the words "Redundancy Payments Act 1965" there are substituted the words " Employment Protection (Consolidation) Act 1978 ".

British Library Act 1972 (c.54)

- 15 In paragraph 13(3)(a) of the Schedule to the British Library Act 1972, for the words " the Acts of 1963 and 1965 " there are substituted the words " the Employment Protection (Consolidation) Act 1978 ".

Gas Act 1972 (c.60)

- 16 In section 36(5) of the Gas Act 1972, for the words from " a tribunal" to the end there are substituted the words " an industrial tribunal. ".

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

Health and Safety at Work etc. Act 1974 (c. 37)

- 17 The following subsection is inserted in section 80 of the Health and Safety at Work etc. Act 1974 after subsection (2)—

“(2A) Subsection (1) above shall apply to provisions in the Employment Protection (Consolidation) Act 1978 which re-enact provisions previously contained in the Redundancy Payments Act 1965, the Contracts of Employment Act 1972 or the Trade Union and Labour Relations Act 1974 as it applies to provisions contained in Acts passed before or in the same Session as this Act”.

Trade Union and Labour Relations Act 1974 (c.52)

- 18 In section 8(7) of the Trade Union and Labour Relations Act 1974, for the words " section 88(3) of the Employment Protection Act 1975 " there are substituted the words " section 136(3) of the Employment Protection (Consolidation) Act 1978 ".

Social Security Act 1975 (c. 14)

- 19 (1) In section 114 of the Social Security Act 1975, the following subsection is inserted after subsection (2)—

“(2A) It is hereby declared for the avoidance of doubt that the power to make regulations under subsection (1) above includes power to make regulations for the determination of any question arising as to the total or partial recoupment of unemployment benefit in pursuance of regulations under section 132 of the Employment Protection (Consolidation) Act 1978 (including any decision as to the amount of benefit).”.

- (2) In section 139 of the said Act of 1975, after subsection (2) there is inserted the following subsection—

“(2A) Subsection (1) above does not apply to regulations made under this Act and contained in a statutory instrument which states that the regulations provide only that a day in respect of which there is payable a particular description of any payment to which section 132 of the Employment Protection (Consolidation) Act 1978 (recoupment of unemployment and supplementary benefits) applies shall not be treated as a day of unemployment for the purposes of entitlement to unemployment benefit.”.

Sex Discrimination Act 1975 (c.65)

- 20 (1) In section 65(2) of the Sex Discrimination Act 1975, for the words " paragraph 20 of Schedule 1 to the Trade Union and Labour Relations Act 1974 " there are substituted the words " section 75 of the Employment Protection (Consolidation) Act 1978 ".

- (2) In section 75(5)(c) of the said Act of 1975 for the words " paragraph 21 of Schedule 1 to the Trade Union and Labour Relations Act 1974." there are substituted the words " paragraph 1 of Schedule 9 to the Employment Protection (Consolidation) Act 1978. ".

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

Scottish Development Agency Act 1975 (c. 69)

- 21 In paragraph 6 of Schedule 3 to the Scottish Development Agency Act 1975, for sub-paragraphs (a), (b) and (c) there are substituted the words " the Employment Protection (Consolidation) Act 1978 ".

Welsh Development Agency Act 1975 (c. 70)

- 22 In paragraph 7 of Schedule 2 to the Welsh Development Agency Act 1975, for sub-paragraphs (a), (b) and (c) there are substituted the words " the Employment Protection (Consolidation) Act 1978 ".

Employment Protection Act 1975 (c.71)

- 23 (1) The Employment Protection Act 1975 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 6(2)—
- (a) the words from " in relation to " to " that is to say " shall be omitted;
 - (b) for the words " section 57 below ; and " there are substituted the words " section 27 of the Employment Protection (Consolidation) Act 1978, including guidance on the circumstances in which a trade union official is to be permitted to take time off under that section in respect of duties connected with industrial action ; and ";
 - (c) for the words " section 58 below " there are substituted the words " section 28 of the said Act of 1978, including guidance on the question whether, and the circumstances in which, a trade union member is to be permitted to take time off under that section for trade union activities connected with industrial action. ".
- (3) In section 8(9), for the words "section 88(3) below" there are substituted the words " section 136(3) of the Employment Protection (Consolidation) Act 1978 ".
- (4) In section 102(4), for the words " Schedule 2 to the Contracts of Employment Act 1972" there are substituted the words " Schedule 3 to the Employment Protection (Consolidation) Act 1978 ",
 and for the words " section 1(1)" there are substituted the words " section 49(1) ".
- (5) In section 104(1)(a), for the words " section 30(1) of the Redundancy Payments Act 1965 " there are substituted the words " section 104(1) of the Employment Protection (Consolidation) Act 1978 ".
- (6) In section 106(3), for the words from the beginning to " Redundancy Payments Act 1965 " there are substituted the words
- “Schedule 14 to the Employment Protection (Consolidation) Act 1978 shall apply for the calculation of a week's pay for the purposes of section 102 above, and, for the purposes of Part II of that Schedule, the calculation date is—
- (a) in the case of an employee who was dismissed before the date on which the protective award was made, the date which by virtue of paragraph 7(1)(k) or (l) of the said Schedule 14”.

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

- (7) In section 108(1), for the words " paragraph 21 of Schedule 1 to the 1974 Act" there are substituted the words " paragraph 1 of Schedule 9 to the Employment Protection (Consolidation) Act 1978 ".
- (8) In section 119(1), for the words "Parts II and IV of this Act apply " there are substituted the words " Part IV of this Act applies ".
- (9) In section 119, the following subsection is added at the end—
- “(17) Schedule 13 to the Employment Protection (Consolidation) Act 1978 and, so far as they modify that Schedule, any order under section 7 of that Act and any regulations under paragraph 20 of that Schedule, shall have effect for the purposes of this section in determining for what period an employee has been continuously employed; and, for the purposes of any proceedings brought under or by virtue of this Act, a person's employment during any period shall, unless the contrary is shown, be presumed to have been continuous.”.
- (10) In section 121(5), for the words " Schedule 3 to the Redundancy Payments Act 1965" there are substituted the words " Schedule 5 to the Employment Protection (Consolidation) Act 1978 ".
- (11) In section 121(6) and (7), for the words "section 41(3) of the Redundancy Payments Act 1965 " there are substituted the words " section 111(3) of the Employment Protection (Consolidation) Act 1978 ".
- (12) In section 125(1) for the words from the beginning to " Part III of that Schedule " there are substituted the words " The provisions of the 1974 Act specified in Part III of Schedule 16 to this Act ".
- (13) In section 126(1), for the words " paragraph 5 of Schedule 1 to the 1974 Act" there are substituted the words " section 55 of the Employment Protection (Consolidation) Act 1978 ".

New Towns (Amendment) Act 1976 (c. 68)

- 24 In section 13 of the New Towns (Amendment) Act 1976—
- (a) in subsection (5), for the words " Schedule 1 to the Contracts of Employment Act 1972 " there are substituted the words " Schedule 13 to the Employment Protection (Consolidation) Act 1978 ";
- (b) in subsection (6), for the words " section 13 of the Redundancy Payments Act 1965 " there are substituted the words " section 94 of the Employment Protection (Consolidation) Act 1978 ".

Race Relations Act 1976 (c.74)

- 25 (1) The Race Relations Act 1976 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 56(2) for the words "paragraph 20 of Schedule 1 to the Trade Union and Labour Relations Act 1974 " there are substituted the words " section 75 of the Employment Protection (Consolidation) Act 1978 ".
- (3) In section 66(7) for the words "paragraph 21 of Schedule 1 to the Trade Union and Labour Relations Act 1974" there are substituted the words " paragraph 1 of Schedule 9 to the Employment Protection (Consolidation) Act 1978 ".

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

- (4) In paragraph 11 of Schedule 2—
- (a) in sub-paragraph (3) for the words " the Redundancy Payments Act 1965 " there are substituted the words " Part VI of the Employment Protection (Consolidation) Act 1978 ";
 - (b) for sub-paragraph (4)(a) and (b) there is substituted the following paragraph—
 - “(a) the Employment Protection (Consolidation) Act 1978 except Part VI of that Act;”.

Development of Rural Wales Act 1976 (c. 75)

- 26 In both paragraph 6 of Schedule 2 and paragraph 6 of Schedule 6 to the Development of Rural Wales Act 1976, for sub-paragraphs (a), (b) and (c) there are substituted the words " the Employment Protection (Consolidation) Act 1978 ".

Dock Work Regulation Act 1976 (c. 79)

- 27 (1) In section 14(7) of the Dock Work Regulation Act 1976 for the words " subsections (1), (5) and (6) above " there are substituted the words " subsection (6) above ".
- (2) In paragraph 17(1) of Schedule 1 to the said Act of 1976, for the words " Schedule 1 to the Contracts of Employment Act 1972 " there are substituted the words " Schedule 13 to the Employment Protection (Consolidation) Act 1978 ".

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

- 28 In both section 49(10) and section 50(3)(b) of the Aircraft and Shipbuilding Industries Act 1977, for the words " a tribunal established under section 12 of the Industrial Training Act 1964 or, as the case may require " there are substituted the words " an industrial tribunal or, as the case may require, a tribunal established under ".

Social Security (Miscellaneous Provisions) Act 1977 (c. 5)

- 29 In section 18 of the Social Security (Miscellaneous Provisions) Act 1977—
- (a) in subsection (1)(c), for " Act 1975 " there shall be substituted " (Consolidation) Act 1978 ";
 - (b) in subsection (2)(a), for the words " section 43 of the Employment Protection Act 1975 " there are substituted the words " section 40 of the Employment Protection (Consolidation) Act 1978 ";
 - (c) in subsection (2)(b), for " 64(3)(a) " and " 45(1) " there are substituted " 122(3)(a) " and " 42(1) " respectively ;
 - (d) in subsection (2)(e), for the words " that Act " there are substituted the words " the Employment Protection Act 1975 ".

New Towns (Scotland) Act 1977 (c. 16)

- 30 In section 3(6) of the New Towns (Scotland) Act 1977 for paragraphs (a), (b) and (c) there are substituted the words " Parts I, IV, V and VI of the Employment Protection (Consolidation) Act 1978 ".

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

Housing (Homeless Persons) Act 1977 (c. 48)

- 31 In section 14(4) of the Housing (Homeless Persons) Act 1977—
- (a) in paragraph (a), for the words " section 13 of the Redundancy Payments Act 1965 " there are substituted the words " section 94 of the Employment Protection (Consolidation) Act 1978 ";
 - (b) in paragraph (b), for the words " Schedule 1 to the Contracts of Employment Act 1972 " there are substituted the words " Schedule 13 to the said Act of 1978 " , and the words " sections 1 and 2 of " shall cease to have effect.

National Health Service Act 1977 (c. 49)

- 32 In paragraph 13(1)(6) of Schedule 14 to the National Health Service Act 1977, the reference to paragraph 106 of Schedule 4 to the National Health Service Reorganisation Act 1973 shall cease to have effect, and, accordingly, for that reference to paragraph 106 there is substituted a reference to paragraph 107 of the said Schedule 4.

Scotland Act 1978 (c. 00)

- 33 In section 33 of the Scotland Act 1978—
- (a) in subsection (1), for paragraphs (a) and (b) there is substituted the following paragraph—
 - “(a) Parts I (so far as it relates to itemised pay statements), II, III (except section 44), V, VIII and IX and section 53 of the Employment Protection (Consolidation) Act 1978 ; and
”;and for the words " section 121 of the Employment Protection Act 1975 " there are substituted the words " section 138 of the Employment Protection (Consolidation) Act 1978
 - (b) in subsection (2), for the words "paragraph 21(5)(c) of Schedule 1 to the Act of 1974" there are substituted the words " paragraph 1(5)(c) of Schedule 9 to the Employment Protection (Consolidation) Act 1978 ".

House of Commons (Administration) Act 1978 (c.36)

- 34 In paragraph 1 of Schedule 2 to the House of Commons (Administration) Act 1978, after the words " the Employment Protection Act 1975 " there are inserted the words " and section 139 of the Employment Protection (Consolidation) Act 1978 ".