

*Status: Point in time view as at 01/10/2004.*

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## SCHEDULES

### SCHEDULE 1

Section 240.

#### CONSEQUENTIAL AMENDMENTS

##### *The Equal Pay Act 1970 (c.41)*

- 1 (1) Section 1 of the Equal Pay Act 1970 is amended as follows.
- (2) In subsection (10A)—
  - (a) for “section 139 of the Employment Protection (Consolidation) Act 1978” substitute “ section 195 of the Employment Rights Act 1996 ”, and
  - (b) for “subsections (4) to (9)” substitute “ subsections (6) to (12) ”.
- (3) In subsection (10B)—
  - (a) for “section 139A of the Employment Protection (Consolidation) Act 1978” substitute “ section 194 of the Employment Rights Act 1996 ”, and
  - (b) for “subsection (6)” substitute “ subsection (7) ”.

##### *The Atomic Energy Authority Act 1971 (c.11)*

- 2 (1) Section 10 of the Atomic Energy Authority Act 1971 is amended as follows.
- (2) In subsection (2)—
  - (a) in paragraph (a), for “the said sections 1 to 4” substitute “ sections 1 to 7 of the Employment Rights Act 1996 ”, and
  - (b) in paragraph (b)—
    - (i) for “section 5 of the said Act of 1978” substitute “ the Employment Rights Act 1996 ”, and
    - (ii) for “subsection (1) of that section” substitute “section 1 of that Act”.
- (3) In subsection (3)—
  - (a) for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”, and
  - (b) for “sections 1 to 4” substitute “ section 1 ”.
- (4) In subsection (4)—
  - (a) for “ Schedule 13 to the said Act of 1978” substitute “ Chapter 1 of Part XIV of the Employment Rights Act 1996 ”, and
  - (b) for the words from “sub-paragraph (2)” to “that sub-paragraph” substitute “ subsection (2) of section 218 of that Act, be taken to be such a transfer of an undertaking as is mentioned in that subsection ”.

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*The Attachment of Earnings Act 1971 (c.32)*

- 3 Paragraph 3 of Part I of Schedule 3 to the Attachment of Earnings Act 1971 shall continue to have effect with the substitution (originally made by paragraph 4 of Schedule 4 to the Wages Act 1986) of the following paragraph for paragraph (c)—

“(c) amounts deductible under any enactment, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sums—

(i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or

(ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise,

whether with or without any further or other benefits.”

*The British Library Act 1972 (c.54)*

- 4 In paragraph 13(3)(a) of the Schedule to the British Library Act 1972, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

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

- 5 In section 80(2A) of the Health and Safety at Work etc. Act 1974, for “the Employment Protection (Consolidation) Act 1978 which re-enact” substitute “ the Employment Rights Act 1996 or the Trade Union and Labour Relations (Consolidation) Act 1992 which derive from provisions of the Employment Protection (Consolidation) Act 1978 which re-enacted ”.

*The Sex Discrimination Act 1975 (c.65)*

- 6 (1) The Sex Discrimination Act 1975 is amended as follows.
- (2) In section 85A(2)—
- (a) for “section 139 of the Employment Protection (Consolidation) Act 1978” substitute “ section 195 of the Employment Rights Act 1996 ”, and
- (b) for “subsections (4) to (9)” substitute “ subsections (6) to (12) ”.
- (3) In section 85B(2)—
- (a) for “section 139A of the Employment Protection (Consolidation) Act 1978” substitute “ section 194 of the Employment Rights Act 1996 ”, and
- (b) for “subsection (6)” substitute “ subsection (7) ”.

*The Scottish Development Agency Act 1975 (c.69)*

- 7 In paragraph 6 of Schedule 3 to the Scottish Development Agency Act 1975, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

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*The Welsh Development Agency Act 1975 (c.70)*

- 8 In paragraph 7 of Schedule 2 to the Welsh Development Agency Act 1975, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Lotteries and Amusements Act 1976 (c.32)*

- 9 In section 23(1) of the Lotteries and Amusements Act 1976, for “meanings given by section 153(1) of the Employment Protection (Consolidation) Act 1978” substitute “ same meanings as in the Employment Rights Act 1996 ”.

*The Race Relations Act 1976 (c.74)*

- 10 (1) The Race Relations Act 1976 is amended as follows.
- (2) In section 75A(2)—
- (a) for “section 139 of the Employment Protection (Consolidation) Act 1978” substitute “ section 195 of the Employment Rights Act 1996 ”, and
  - (b) for “subsections (4) to (9)” substitute “ subsections (6) to (12) ”.
- (3) In section 75B(2)—
- (a) for “section 139A of the Employment Protection (Consolidation) Act 1978” substitute “ section 194 of the Employment Rights Act 1996 ”, and
  - (b) for “subsection (6)” substitute “ subsection (7) ”.
- (4) In paragraph 11(4) of Schedule 2, for paragraphs (a) and (c) substitute—
- “(a) the Employment Rights Act 1996 except Part XI;
  - (b) the Trade Union and Labour Relations (Consolidation) Act 1992; and”.

*The Development of Rural Wales Act 1976 (c.75)*

F11 .....

**Textual Amendments**

**F1** Sch. 1 para. 11 repealed (1.10.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. IV (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 4

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

- 12 In section 3(6) of the New Towns (Scotland) Act 1977, for “Parts I, IV, V and VI of the Employment Protection (Consolidation) Act 1978” substitute “ Parts I and IX to XI of the Employment Rights Act 1996 ”.

*The National Health Service (Scotland) Act 1978 (c.29)*

- 13 In section 12C(3) of the National Health Service (Scotland) Act 1978—
- (a) for “Part VI of the Employment Protection (Consolidation) Act 1978” substitute “ Part XI of the Employment Rights Act 1996 ”, and

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(b) for “Part VI of that Act” substitute “ that Part of that Act ”.

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

14 In paragraph 1 of Schedule 2 to the House of Commons (Administration) Act 1978, for “section 139 of the Employment Protection (Consolidation) Act 1978” substitute “ section 195 of the Employment Rights Act 1996 ”.

*The New Towns Act 1981 (c.64)*

15 In section 54(5) of the New Towns Act 1981, for “Schedule 13 to the Employment Protection (Consolidation) Act 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Wildlife and Countryside Act 1981 (c.69)*

16 In paragraph 8(4) of Schedule 13 to the Wildlife and Countryside Act 1981, for the words from “Schedule” to “continuous)” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Hops Marketing Act 1982 (c.5)*

17 F2 .....

**Textual Amendments**  
F2 Sch. 1 para. 17 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 2 Group 1}

*The Oil and Gas (Enterprise) Act 1982 (c.23)*

F3 18 .....

**Textual Amendments**  
F3 Sch. 1 para. 18 repealed (15.2.1999) by 1998 c. 17, s. 51(1), Sch. 5 Pt. I (with Sch. 3 para. 5(1)); S.I. 1999/161, art. 2(1)

*The Local Government Finance Act 1982 (c.32)*

F4 19 .....

**Textual Amendments**  
F4 Sch. 1 para. 19 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

*The Administration of Justice Act 1982 (c.53)*

20 In section 10(d) of the Administration of Justice Act 1982—

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- (a) for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”, and
- (b) for “section 81” substitute “ section 135 ”.

*The Health and Social Services and Social Security Adjudications Act 1983 (c.41)*

- 21 In paragraph 23 of Part II of Schedule 3 to the Health and Social Services and Social Security Adjudications Act 1983, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The National Audit Act 1983 (c.44)*

- 22 In paragraph 2(3) of Schedule 2 to the National Audit Act 1983, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The National Heritage Act 1983 (c.47)*

- 23 In—
- (a) paragraph 5(5) of Part I of Schedule 1,
  - (b) paragraph 15(5) of Part II of Schedule 1,
  - (c) paragraph 25(5) of Part III of Schedule 1,
  - (d) paragraph 35(5) of Part IV of Schedule 1,
  - (e) paragraph 2(5) of Schedule 2, and
  - (f) paragraph 5(5) of Schedule 3,
- to the National Heritage Act 1983, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The National Heritage (Scotland) Act 1985 (c.16)*

- 24 In—
- (a) paragraph 5(5) of Part I, and
  - (b) paragraph 16(5) of Part II,
- of Schedule 1 to the National Heritage (Scotland) Act 1985, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Prosecution of Offences Act 1985 (c.23)*

- 25 (1) The Prosecution of Offences Act 1985 is amended as follows.
- (2) In section 11(5), for “Schedule 13 to the Employment Protection (Consolidation) Act 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.
  - (3) In section 15(6), for the words from “be treated as” to “shall not be so treated” substitute “ not be treated as transferred functions ”.

*The Local Government Act 1985 (c.51)*

- 26 (1) The Local Government Act 1985 is amended as follows.

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- (2) In section 54(2), for “Schedule 13 to the said Act of 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.
- (3) In section 105(1), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Trustee Savings Banks Act 1985 (c.58)*

- 27 In section 3(7) of the Trustee Savings Banks Act 1985, for “paragraph 17(3) of Schedule 13 to the Employment Protection (Consolidation) Act 1978” substitute “ section 218(3) of the Employment Rights Act 1996 ”.

*The Housing (Consequential Provisions) Act 1985 (c.71)*

- 28 In paragraph 7(2)(b) of Schedule 4 to the Housing (Consequential Provisions) Act 1985, for “Schedule 13 to that Act” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Insolvency Act 1986 (c.45)*

- 29 In paragraph 13 of Schedule 6 to the Insolvency Act 1986, for sub-paragraph (2) substitute—

- “(2) An amount falls within this sub-paragraph if it is—
- (a) a guarantee payment under Part III of the Employment Rights Act 1996 (employee without work to do);
  - (b) any payment for time off under section 53 (time off to look for work or arrange training) or section 56 (time off for ante-natal care) of that Act or under section 169 of the Trade Union and Labour Relations (Consolidation) Act 1992 (time off for carrying out trade union duties etc.);
  - (c) remuneration on suspension on medical grounds, or on maternity grounds, under Part VII of the Employment Rights Act 1996; or
  - (d) remuneration under a protective award under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 (redundancy dismissal with compensation).”

*The Legal Aid (Scotland) Act 1986 (c.47)*

- 30 In paragraph 10(1) of Schedule 1 to the Legal Aid (Scotland) Act 1986, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Debtors (Scotland) Act 1987 (c.18)*

- 31 In section 73(3)(g) of the Debtors (Scotland) Act 1987, for “section 81(1) of the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

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*The Pilotage Act 1987 (c.21)*

- 32 In section 25(6) of the Pilotage Act 1987, for “Schedule 13 to the Employment Protection (Consolidation) Act 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Housing (Scotland) Act 1987 (c.26)*

- 33 In paragraph 10(2)(b) of Schedule 22 to the Housing (Scotland) Act 1987, for “Schedule 13 to that Act” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Consumer Protection Act 1987 (c.43)*

- 34 In section 22(5) of the Consumer Protection Act 1987, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Income and Corporation Taxes Act 1988 (c.1)*

- 35 (1) The Income and Corporation Taxes Act 1988 is amended as follows.
- (2) In section 579—
- (a) in subsections (3)(a) and (5)(a) and in subsection (4)(a) as it has effect for the purposes of corporation tax, for the words from “by which” to “rebate” substitute “ of the redundancy payment or the corresponding amount of the other employer’s payment ”, and
  - (b) in subsection (6), for “section 106 of the Employment Protection (Consolidation) Act 1978” substitute “ section 166 of the Employment Rights Act 1996 ”.
- (3) In section 580(1)—
- (a) in paragraph (a), for “, “employer’s payment” and “rebate” have the same meaning as in the Employment Protection (Consolidation) Act 1978 (“the 1978 Act”)” substitute “ and “employer’s payment” have the same meaning as in Part XI of the Employment Rights Act 1996 ”,
  - (b) in paragraph (b), for the words “of the relevant redundancy payment” onwards substitute “ which would have been payable as a redundancy payment had one been payable; ”, and
  - (c) in paragraph (c), for “the 1978 Act” substitute “ the Employment Rights Act 1996 ”.
- (4) In—
- (a) paragraph 19(a) of Part III of Schedule 9, and
  - (b) paragraph 2 of Schedule 10,
- for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Legal Aid Act 1988 (c.34)*

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**Textual Amendments**

**F5** Sch. 1 para. 36 repealed (1.4.2000) by 1999 c. 22, ss. 106, **Sch. 15 Pt. I**; S.I. 2000/774, art. 2, **Sch.** (with transitional provisions in arts. 5, 7, 8, 11)

*The Education Reform Act 1988 (c.40)*

- 37 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 174(2), for “Schedule 13 to that Act” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.
- (3) In section 203(7), for “section 55 of the Employment Protection (Consolidation) Act 1978” substitute “ Part X of the Employment Rights Act 1996 ”.
- (4) In section 221(2)(b), for “section 81 of the Employment Protection (Consolidation) Act 1978” substitute “ section 135 of the Employment Rights Act 1996 ”.
- (5) In section 235—
  - (a) in subsection (1), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”, and
  - (b) in subsection (2)(f), for “section 81 of the Employment Protection (Consolidation) Act 1978” substitute “ section 139 of the Employment Rights Act 1996 ”.

*The Local Government Finance Act 1988 (c.41)*

- 38 In paragraph 6(4) of Schedule 11 to the Local Government Finance Act 1988, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Housing (Scotland) Act 1988 (c.43)*

- 39 In paragraph 12(1) of Schedule 1 to the Housing (Scotland) Act 1988, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Health and Medicines Act 1988 (c.49)*

- 40 In section 18 of the Health and Medicines Act 1988, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Housing Act 1988 (c.50)*

<sup>F6</sup>41 .....

**Textual Amendments**

**F6** Sch. 1 para. 41 repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 5



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*The Dock Work Act 1989 (c.13)*

- 42 In section 6(3) of the Dock Work Act 1989—
- (a) for “the 1978 Act” substitute “ the Employment Rights Act 1996 ”,
  - (b) for “section 151 of, and Schedule 13 to,” substitute “ Chapter I of Part XIV of ”,
  - (c) for “paragraph 15 of Schedule 13” substitute “ section 216 of that Act ”, and
  - (d) for “paragraph 4 of that Schedule” substitute “ section 212(1) of that Act ”.

*The Electricity Act 1989 (c.29)*

- 43 (1) The Electricity Act 1989 is amended as follows.
- (2) In section 56(3), for “Schedule 13 to the said Act of 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.
- (3) In—
- (a) paragraph 4(1) of Schedule 14, and
  - (b) paragraph 4(1) of Schedule 15,
- for the words from the beginning to “continuous” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Local Government and Housing Act 1989 (c.42)*

- 44 In section 10 of the Local Government and Housing Act 1989—
- (a) in subsection (1), for “subsection (4) of section 29 of the Employment Protection (Consolidation) Act 1978” substitute “ section 50(4) of the Employment Rights Act 1996 ”, and
  - (b) in subsection (2)—
    - (i) for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”, and
    - (ii) for “subsection (1) of section 29” substitute “ subsection (2) of section 50 ”.

*The National Health Service and Community Care Act 1990 (c.19)*

- 45 (1) The National Health Service and Community Care Act 1990 is amended as follows.
- (2) In section 7(3)—
- (a) for “Part VI of the Employment Protection (Consolidation) Act 1978” substitute “ Part XI of the Employment Rights Act 1996 ”, and
  - (b) for “the said Part VI” substitute “ that Part of that Act ”.
- (3) In—
- [<sup>F7</sup>(a) section 20(6), and]
  - (b) section 49(3)(b),
- for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.
- (4) In section 60(3)—

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- (a) for “Part VI of the Employment Protection (Consolidation) Act 1978” substitute “ Part XI of the Employment Rights Act 1996 ”, and
- (b) for “the said Part VI” substitute “ that Part of that Act ”.

#### Textual Amendments

**F7** Sch. 1 para. 45(3)(a) repealed (E.W.) (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

#### *The Enterprise and New Towns (Scotland) Act 1990 (c.35)*

- 46 In paragraph 17(1) of Schedule 1 to the Enterprise and New Towns (Scotland) Act 1990, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

#### *The Environmental Protection Act 1990 (c.43)*

- 47 In paragraph 15 of Schedule 10 to the Environmental Protection Act 1990, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

#### *The Natural Heritage (Scotland) Act 1991 (c.28)*

- 48 In paragraph 4 of Schedule 4 to the Natural Heritage (Scotland) Act 1991, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

#### *The Coal Mining Subsidence Act 1991 (c.45)*

- 49 In section 30(7) of the Coal Mining Subsidence Act 1991—
- (a) for “section 153(4) of the Employment Protection (Consolidation) Act 1978” substitute “ section 231 of the Employment Rights Act 1996 ”, and
  - (b) for “meaning given by section 153(1) of the Employment Protection (Consolidation) Act 1978” substitute “ same meaning as in the Employment Rights Act 1996 ”.

#### *The Ports Act 1991 (c.52)*

- 50 In section 24(8) of the Ports Act 1991, for the words from the beginning to “continuous” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

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

- 51 (1) The Social Security Contributions and Benefits Act 1992 is amended as follows.

<sup>F8</sup>(2) .....

(3) In—

- (a) section 27(2)(b), and
- (b) section 28(4),

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for “section 81(2) of the Employment Protection (Consolidation) Act 1978” substitute “ section 139(1) of the Employment Rights Act 1996 ”.

(4) In section 112(3)—

- (a) in paragraph (a), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”,
- (b) in paragraph (b), after “that Act” insert “ or the Trade Union and Labour Relations (Consolidation) Act 1992 ”, and
- (c) in paragraph (c), for “the Employment Protection Act 1975” substitute “ the Trade Union and Labour Relations (Consolidation) Act 1992 ”.

(5) In section 171(1), for “section 55(2) to (7) of the Employment Protection (Consolidation) Act 1978” substitute “ Part X of the Employment Rights Act 1996 ”.

#### Textual Amendments

**F8** Sch. 1 para. 51(2) repealed (6.4.2000) by 1999 c. 30, s. 88, Sch. 13 Pt. VI; S.I. 1999/3420, art. 4(c)(e)

#### *The Further and Higher Education Act 1992 (c.13)*

52 (1) The Further and Higher Education Act 1992 is amended as follows.

(2) In section 35—

- (a) in subsection (1)(c)—
  - (i) for “section 84 of the Employment Protection (Consolidation) Act 1978” substitute “ section 138 of the Employment Rights Act 1996 ”, and
  - (ii) for “Part VI” substitute “ Part XI ”, and
- (b) in subsection (2), for “Schedule 13 to” substitute “ Chapter I of Part XIV of”.

(3) In section 49(2)(b), for “section 81 of the Employment Protection (Consolidation) Act 1978” substitute “ Part XI of the Employment Rights Act 1996 ”.

(4) In section 90(1), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

#### *The Timeshare Act 1992 (c.35)*

53 In section 1 of the Timeshare Act 1992—

- (a) in subsection (3)(b), for “as defined in section 153 of the Employment Protection (Consolidation) Act 1978” substitute “ within the meaning of the Employment Rights Act 1996 ”, and
- (b) in subsection (8)(b), for “section 153 of the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

#### *The Further and Higher Education (Scotland) Act 1992 (c.37)*

54 In section 33(3)(b) of the Further and Higher Education (Scotland) Act 1992, for “section 81 of the Employment Protection (Consolidation) Act 1978” substitute “ section 135 of the Employment Rights Act 1996 ”.

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*The Museums and Galleries Act 1992 (c.44)*

- 55 In section 1(7) of the Museums and Galleries Act 1992, for “paragraph 17(3) of Schedule 13 to the Employment Protection (Consolidation) Act 1978” substitute “section 218(3) of the Employment Rights Act 1996”.

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

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

- (2) In section 67(8)—

- (a) in paragraph (a), for “paragraph 8(1)(b) of Schedule 14 to the Employment Protection (Consolidation) Act 1978” substitute “section 227(1)(a) of the Employment Rights Act 1996”, and  
(b) in paragraph (b), for “section 75” substitute “section 124(1)”.

- (3) In section 68(11), for “Part I of the Wages Act 1986” substitute “the Employment Rights Act 1996”.

- (4) In section 68A(4)—

- (a) in paragraph (a), for “the Employment Protection (Consolidation) Act 1978” substitute “the Employment Rights Act 1996”, and  
(b) in paragraph (b), for “section 1(1) of the Wages Act 1986” substitute “section 13 of that Act”.

- <sup>F9</sup>(5) .....

- (6) In section 140(4), for “section 75 of the Employment Protection (Consolidation) Act 1978” substitute “section 124(1) of the Employment Rights Act 1996”.

- (7) In—

- (a) section 152(1), and  
(b) section 153,

for “Part V of the Employment Protection (Consolidation) Act 1978” substitute “Part X of the Employment Rights Act 1996”.

- (8) In section 154, for “Section 64 of the Employment Protection (Consolidation) Act 1978 (qualifying period and upper age limit for unfair dismissal protection) does” substitute “Sections 108 and 109 of the Employment Rights Act 1996 (qualifying period and upper age limit for unfair dismissal protection) do”.

- (9) In section 156—

- (a) in subsection (1), for “subsection (7A), (7B) or (9) of section 73 of the Employment Protection (Consolidation) Act 1978” substitute “section 122 of the Employment Rights Act 1996”, and  
(b) in subsection (2), for “subsection (7B)” substitute “subsection (2)”.

- (10) In section 157—

- (a) in subsection (1), for “section 73(2) of the Employment Protection (Consolidation) Act 1978” substitute “section 121 of the Employment Rights Act 1996”, and

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- (b) in subsection (2), for “section 71(2)(b) of the Employment Protection (Consolidation) Act 1978” substitute “section 117(3)(b) of the Employment Rights Act 1996”.
- (11) In section 158—
- (a) in subsection (2), for “section 71(2)(a) of the Employment Protection (Consolidation) Act 1978” substitute “section 117(3)(a) of the Employment Rights Act 1996”,
  - (b) in subsection (3), for “section 73(5) of the Employment Protection (Consolidation) Act 1978” substitute “section 119(4) of the Employment Rights Act 1996”, and
  - (c) in subsection (7), for the words from the beginning to “Part” substitute—
    - “(7) Chapter II of Part XIV of the Employment Rights Act 1996 (calculation of a week’s pay) applies for the purposes of this section with the substitution for section 226 of the following—
    - For the purposes of this Chapter”.
- (12) In section 167—
- (a) in subsection (1), for “Part V of the Employment Protection (Consolidation) Act 1978” substitute “Part X of the Employment Rights Act 1996”, and
  - (b) in subsection (2)—
    - (i) for “section 67 of the Employment Protection (Consolidation) Act 1978” substitute “section 111 of the Employment Rights Act 1996”,
    - (ii) for “section 68(2) or 71(2)(a)” substitute “section 112(4) or 117(3)(a)”, and
    - (iii) for “section 69” substitute “section 113”.
- (13) In section 176(6)—
- (a) in paragraph (a), for “paragraph 8(1)(b) of Schedule 14 to the Employment Protection (Consolidation) Act 1978” substitute “section 227(1)(a) of the Employment Rights Act 1996”, and
  - (b) in paragraph (b), for “section 75” substitute “section 124(1)”.
- (14) In section 190—
- (a) in subsection (4)—
    - (i) for “Schedule 3 to the Employment Protection (Consolidation) Act 1978” substitute “sections 87 to 91 of the Employment Rights Act 1996”, and
    - (ii) for “section 49(1)” substitute “section 86(1)”, and
  - (b) in subsection (5)—
    - (i) for “Schedule 14 to the Employment Protection (Consolidation) Act 1978” substitute “Chapter II of Part XIV of the Employment Rights Act 1996”,
    - (ii) for “Part II of that Schedule” substitute “that Chapter”, and
    - (iii) for “paragraph 7(1)(k) or (l) of that Schedule” substitute “section 226(5)”.
- (15) In sections 237(1A) and 238(2A)—
- (a) for “section 57A, 57AA or 60 of the Employment Protection (Consolidation) Act 1978 (dismissal in health and safety cases, employee representative

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and maternity cases)” substitute “ section 99(1) to (3), 100 or 103 of the Employment Rights Act 1996 (dismissal in maternity, health and safety and employee representative cases) ”, and

(b) for “section 59” substitute “ section 105(9) ”.

(16) In section 239—

(a) in subsection (1), for “Part V of the Employment Protection (Consolidation) Act 1978” substitute “ Part X of the Employment Rights Act 1996 ”,

(b) in subsection (2), for “section 67(2)” substitute “ section 111(2) ”, and

(c) in subsection (3), for “sections 57 to 61 of the Employment Protection (Consolidation) Act 1978” substitute “ sections 98 to 106 of the Employment Rights Act 1996 ”.

(17) In section 278(6), for “Subsections (4) to (9) of section 139 of the Employment Protection (Consolidation) Act 1978” substitute “ Subsections (6) to (12) of section 195 of the Employment Rights Act 1996 ”.

(18) In section 282, for subsection (2) substitute—

“(2) Chapter I of Part XIV of the Employment Rights Act 1996 (computation of period of continuous employment), and any provision modifying or supplementing that Chapter for the purposes of that Act, apply for the purposes of this section.”

(19) In section 298, for “section 55 of the Employment Protection (Consolidation) Act 1978” substitute “ Part X of the Employment Rights Act 1996 ”.

**Textual Amendments**

**F9** Sch. 1 para. 56(5) repealed (1.8.1998) by 1998 c. 8, s. 15, Sch. 2; S.I. 1998/1658, art. 2(1), Sch. 1

*The Tribunals and Inquiries Act 1992 (c.53)*

57 In section 11(2) of the Tribunals and Inquiries Act 1992, for “Subsection (1)” substitute “ This section ”.

*The Social Security Act 1993 (c.3)*

58 In section 2(4)(b) of the Social Security Act 1993, for “sections 106(2) and 122(1) of the Employment Protection (Consolidation) Act 1978” substitute “ sections 167(1) and 182 of the Employment Rights Act 1996 ”.

*The Education Act 1993 (c.35)*

<sup>F10</sup>59 .....

**Textual Amendments**

**F10** Sch. 1 para. 59 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with s. 1(4), Sch. 39)

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*The Railways Act 1993 (c.43)*

- 60 (1) The Railways Act 1993 is amended as follows.
- (2) In section 93(5), (6) and (12), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.
- (3) In paragraph 6 of Schedule 11, for sub-paragraphs (10) to (12) substitute—
- “(10) Chapter I of Part XIV of the Employment Rights Act 1996, except section 218(6), shall apply for the purposes of this paragraph as it applies for the purposes of that Act.”

*The Pension Schemes Act 1993 (c.48)*

- 61 (1) The Pension Schemes Act 1993 is amended as follows.
- (2) In section 123(3), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.
- (3) In section 124(4), for “, maternity pay under Part III” onwards substitute “ and any payment such as is referred to in section 184(2) of the Employment Rights Act 1996 ”.
- (4) In section 165—
- (a) in subsection (7), for “section 137 of the Employment Protection (Consolidation) Act 1978” substitute “ section 201 of the Employment Rights Act 1996 ”, and
- (b) in subsection (8), for “section 144(5) of the Employment Protection (Consolidation) Act 1978” substitute “ section 199(5) of the Employment Rights Act 1996 ”.

*The Finance Act 1994 (c.9)*

- 62 In paragraph 27 of Schedule 24 to the Finance Act 1994—
- (a) for sub-paragraphs (9) to (11) substitute—
- “(9) Chapter I of Part XIV of the Employment Rights Act 1996, except section 218(6), shall apply for the purposes of this paragraph as it applies for the purposes of that Act.”, and
- (b) in sub-paragraph (13), for “sub-paragraphs (11) and” substitute “ sub-paragraph ”.

*The Local Government (Wales) Act 1994 (c.19)*

- 63 (1) The Local Government (Wales) Act 1994 is amended as follows.
- (2) In section 41—
- (a) in subsection (1)—
- (i) for “section 84 of the Employment Protection (Consolidation) Act 1978” substitute “ section 138 of the Employment Rights Act 1996 ”, and
- (ii) for “Part VI” substitute “ Part XI ”, and
- (b) in subsection (2), for “Schedule 13 to the Act of 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

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- (3) In section 43—
- (a) in subsection (6), for “section 82(5) or (6) or 84(3) of the Employment Protection (Consolidation) Act 1978” substitute “ section 138 or 141 of the Employment Rights Act 1996 ”, and
  - (b) in subsection (7), for “Part VI of the Act of 1978” substitute “ Part XI of the Employment Rights Act 1996 ”.
- (4) In section 44—
- (a) in subsection (1), for “Part IV, V or VI of the Employment Protection (Consolidation) Act 1978” substitute “ Part IX, X or XI of the Employment Rights Act 1996 ”,
  - (b) in subsection (3), for “sections 101, 102, 108 and 119 of the Act of 1978” substitute “ sections 164, 165, 170 and 179 of the Employment Rights Act 1996 ”, and
  - (c) in subsection (4), for “sections 81(4), 82(1) and 101 of the Act of 1978, and in Schedule 4 to that Act,” substitute “ sections 155, 156, 162 and 164 of the Employment Rights Act 1996 ”.
- (5) In section 45(5), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Coal Industry Act 1994 (c.21)*

- 64 In paragraph 4(11) of Schedule 5 to the Coal Industry Act 1994, for the words from the beginning to “that Schedule” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996, except section 218(6), ”.

*The Criminal Justice and Public Order Act 1994 (c.33)*

- 65 In section 126(2) of the Criminal Justice and Public Order Act 1994, for paragraph (a) substitute—
- “(a) the Trade Union and Labour Relations (Consolidation) Act 1992 and the Employment Rights Act 1996;”.

*The Local Government etc. (Scotland) Act 1994 (c.39)*

- 66 (1) The Local Government etc. (Scotland) Act 1994 is amended as follows.
- (2) In section 10—
- (a) in subsection (1)—
    - (i) for “section 84 of the Employment Protection (Consolidation) Act 1978” substitute “ section 138 of the Employment Rights Act 1996 ”, and
    - (ii) for “Part VI” substitute “ Part XI ”, and
  - (b) in subsection (2), for “Schedule 13 to the said Act of 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.
- (3) In section 13—
- (a) in subsection (5), for the words from “subsections” to “1978” substitute “ section 138 or 141 of the Employment Rights Act 1996 (renewal of contract or re-engagement) ”, and



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(b) in subsection (6), for “Part VI of the said Act of 1978” substitute “ Part XI of the Employment Rights Act 1996 ”.

(4) In section 14(1), for “Part VI of the Employment Protection (Consolidation) Act 1978” substitute “ Part XI of the Employment Rights Act 1996 ”.

*The Jobseekers Act 1995 (c.18)*

67 (1) The Jobseekers Act 1995 is amended as follows.

(2) In—

- (a) section 14(3)(b), and
- (b) section 19(7),

for “section 81(2) of the Employment Protection (Consolidation) Act 1978” substitute “ section 139(1) of the Employment Rights Act 1996 ”.

(3) In paragraph 6(2)(a)(i) of Schedule 1, for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

*The Environment Act 1995 (c.25)*

68 In paragraph 3 of Schedule 2 to the Environment Act 1995—

- (a) in sub-paragraph (6), for “section 84 of the Employment Protection (Consolidation) Act 1978” substitute “ section 138 of the Employment Rights Act 1996 ”, and
- (b) in sub-paragraph (7), for “Schedule 13 to the Employment Protection (Consolidation) Act 1978” substitute “ Chapter I of Part XIV of the Employment Rights Act 1996 ”.

*The Disability Discrimination Act 1995 (c.50)*

69 (1) The Disability Discrimination Act 1995 is amended as follows.

(2) In section 50(9)(a), for “the Employment Protection (Consolidation) Act 1978” substitute “ the Employment Rights Act 1996 ”.

(3) In section 65(2), for “section 139 of the Employment Protection (Consolidation) Act 1978” substitute “ section 195 of the Employment Rights Act 1996 ”.

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