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*Changes to legislation: Employment Rights Act 1996, Cross Heading: Periods of employment is up to date with all changes known to be in force on or before 19 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) View outstanding changes*

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## SCHEDULES

### SCHEDULE 2

#### TRANSITIONAL PROVISIONS, SAVINGS AND TRANSITORY PROVISIONS

##### PART I

##### TRANSITIONAL PROVISIONS AND SAVINGS

###### *Periods of employment*

- 13 (1) The reference in section 215(2)(b) to a person being an employed earner for the purposes of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 in respect of whom a secondary Class 1 contribution was payable under that Act (whether or not it was in fact paid) shall be construed—
- (a) as respects a week of employment after 1st June 1976 and before 1st July 1992, as a reference to a person being an employed earner for the purposes of the <sup>M2</sup>Social Security Act 1975 in respect of whom a secondary Class 1 contribution was payable under that Act (whether or not it was in fact paid),
  - (b) as respects a week of employment after 6th April 1975 and before 1st June 1976, as a reference to a person being an employed earner for the purposes of the <sup>M3</sup>Social Security Act 1975, and
  - (c) as respects a week of employment before 6th April 1975, as a reference to a person being an employee in respect of whom an employer's contribution was payable in respect of the corresponding contribution week (whether or not it was in fact paid).
- (2) For the purposes of the application of sub-paragraph (1) to a week of employment where the corresponding contribution week began before 5th July 1948, an employer's contribution shall be treated as payable as mentioned in that sub-paragraph if such a contribution would have been so payable had the statutory provisions relating to national insurance in force on 5th July 1948 been in force in that contribution week.
- (3) The references in subsection (4) of section 215 to the <sup>M4</sup>Social Security Contributions and Benefits Act 1992 include the <sup>M5</sup>Social Security Act 1975; and that subsection applies to any question arising whether an employer's contribution was or would have been payable as mentioned in sub-paragraph (1) or (2).
- (4) In this paragraph—
- “employer's contribution” has the same meaning as in the <sup>M6</sup>National Insurance Act 1965, and
  - “corresponding contribution week”, in relation to a week of employment, means a contribution week (within the meaning of that Act) of which so much as falls within the period beginning with midnight between Sunday

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and Monday and ending with Saturday also falls within that week of employment.

**Marginal Citations**

- M1** 1992 c. 4.
- M2** 1975 c. 14.
- M3** 1975 c. 14.
- M4** 1992 c. 4.
- M5** 1975 c. 14.
- M6** 1965 c. 51.

- 14 (1) Subject to paragraph 13 and sub-paragraphs (2) and (3) of this paragraph, Chapter I of Part XIV applies to periods before this Act comes into force as it applies to later periods.
- (2) If, during the whole or any part of a week beginning before 6th July 1964, an employee was absent from work—
- (a) because he was taking part in a strike, or
  - (b) because of a lock-out by his employer,
- the week counts as a period of employment.
- (3) Any week which counted as a period of employment in the computation of a period of employment for the purposes of the <sup>M7</sup>Employment Protection (Consolidation) Act 1978 counts as a period of employment for the purposes of this Act; and any week which did not break the continuity of a person's employment for the purposes of that Act shall not break the continuity of a period of employment for the purposes of this Act.

**Marginal Citations**

- M7** 1978 c. 44.

**Changes to legislation:**

Employment Rights Act 1996, Cross Heading: Periods of employment is up to date with all changes known to be in force on or before 19 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.

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

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

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)
- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 205A(2)(ba) inserted by [2023 c. 46 Sch. para. 16\(2\)](#)
- s. 205A(8A) inserted by [2023 c. 46 Sch. para. 16\(3\)](#)
- s. 225(7)(8) inserted by [2023 c. 46 Sch. para. 17](#)
- s. 227(1)(zb)(zc) inserted by [2023 c. 46 Sch. para. 18](#)