
STATUTORY INSTRUMENTS

1995 No. 31

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Protection (Part-time Employees) Regulations 1995

<i>Made</i>	- - - -	<i>10th January 1995</i>
<i>Laid before Parliament</i>		<i>16th January 1995</i>
<i>Coming into force</i>	- -	<i>6th February 1995</i>

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to measures relating to equal pay for men and women and to equal treatment for men and women in matters of employment, self employment and vocational training⁽²⁾, in exercise of the powers conferred by that provision, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Protection (Part-time Employees) Regulations 1995 and shall come into force on 6th February 1995.

(2) In these Regulations “the 1978 Act” means the Employment Protection (Consolidation) Act 1978⁽³⁾.

Extension of rights of part-time employees

2. Section 5(1)(b) of the 1978 Act (exclusion of part-time employees from right to written particulars of employment under sections 1 to 4) shall cease to have effect.

3. In section 146 of the 1978 Act, subsections (4) to (8) (exclusion of part-time employees from certain rights which do not depend on a qualifying period of employment) shall cease to have effect.

4.—(1) In Schedule 13 to the 1978 Act, the following provisions, which relate to the number of hours which an employee needs to work in a week for that week to count in computing a period of employment, shall cease to have effect—

- (a) paragraph 3;

(1) 1972 c. 68.

(2) The European Communities (Designation) (No. 3) Order 1993 (S.I.1993/2661).

(3) 1978 c. 44.

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(b) in paragraph 4, the words “which normally involves employment for sixteen hours or more weekly”; and

(c) paragraphs 5 to 8.

(2) In paragraph 1 of that Schedule, for the word “3” there shall be substituted the word “4”.

5. Section 281 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽⁴⁾ (exclusion of part-time employees from right to time off for trade union duties and activities) shall cease to have effect.

Repeals

6. The repeals in the Schedule to these Regulations shall have effect.

Signed by order of the Secretary of State.

10th January 1995

Ann Widdecombe
Minister of State,
Department of Employment

(4) 1992 c. 52.

SCHEDULE

Regulation 6

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1963 c. 2.	Betting, Gaming and Lotteries Act 1963.	In Schedule 5A, in paragraph 1(3), the words from “and Schedule” to the end.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In section 12C(2)(c), paragraph (d) and the word “and” immediately preceding it.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In section 5, in subsection (1), paragraph (b) and the word “or” immediately preceding it and, in subsection (2), the words “subsection (1)(b) and”. Section 146(4) to (8). In section 149, in subsection (1)(c), the words “and 146(4) to (7)”. In Schedule 13, paragraph 3, in paragraph 4, the words “which normally involves employment for sixteen hours or more weekly”, paragraphs 5 to 8, in paragraphs 9(1) and (2) and 10, the words “3,” and “or 5”, in paragraph 15(1), the words “3,” and “5,” and paragraphs 19(4) and 24(2).
1982 c. 46.	Employment Act 1982.	In Schedule 2, paragraphs 7(3) and 8(5)(b).
1990 c. 19.	National Health Service and Community Care Act 1990.	In section 7(2)(c), paragraph (d) and the word “and” immediately preceding it.
1992 c. 52.	Trade Union and Labour Relations (Consolidation) Act 1992.	Section 281.
1993 c. 19.	Trade Union Reform and Employment Rights Act 1993.	Section 27.
1993 c. 43.	Railways Act 1993.	In Schedule 11, in paragraph 6, in sub-paragraph (10), the words from “except that” to the end, sub-paragraph (11) and in sub-paragraph (12), the words “or 11”.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1994 c. 9.	Finance Act 1994.	In Schedule 24, in paragraph 27, in sub-paragraph (9), the words from “except that” to the end, sub-paragraph (10) and in sub-paragraph (11) the words “or (10)”.
1994 c. 20.	Sunday Trading Act 1994.	In Schedule 4, in paragraph 1(5), the words from “and Schedule” to the end.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(2) of the European Communities Act 1972 in order to ensure compliance with Article 119 of the Treaty of Rome, Council Directive [75/117/EEC](#) (OJNo. L45, 19.2.1975, p.19) and Council Directive [76/207/EEC](#) (OJ No. L39, 14.2.1976, p.40) following the decision of the Judicial Committee of the House of Lords in *R -v- Secretary of State for Employment, ex parte Equal Opportunities Commission* and another [1994] 2 WLR 409. The Regulations come into force on 6th February 1995.

The Regulations remove the provisions of the Employment Protection (Consolidation) Act 1978 and of the Trade Union and Labour Relations (Consolidation) Act 1992 which exclude part-time workers from rights under those Acts and provide that periods of part-time employment will count in the computation of periods of employment under the 1978 Act.