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STATUTORY INSTRUMENTS

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**2000 No. 1551**

**The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000**

**PART IV**

**SPECIAL CLASSES OF PERSON**

**Crown employment**

**12.**—(1) Subject to regulation 13, these Regulations have effect in relation to Crown employment and persons in Crown employment as they have effect in relation to other employment and other employees and workers.

(2) In paragraph (1) "Crown employment" means employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by a statutory provision.

(3) For the purposes of the application of the provisions of these Regulations in relation to Crown employment in accordance with paragraph (1)—

- (a) references to an employee and references to a worker shall be construed as references to a person in Crown employment to whom the definition of employee or, as the case may be, worker is appropriate; and
- (b) references to a contract in relation to an employee and references to a contract in relation to a worker shall be construed as references to the terms of employment of a person in Crown employment to whom the definition of employee or, as the case may be, worker is appropriate.

**Armed forces**

**13.**—(1) These Regulations, shall have effect in relation—

- (a) subject to paragraphs (2) and (3) and apart from regulation 7(1), to service as a member of the armed forces, and
- (b) to employment by an association established for the purposes of Part XI of the Reserve Forces Act 1996<sup>M1</sup>.

(2) These Regulations shall not have effect in relation to service as a member of the reserve forces in so far as that service consists in undertaking training obligations—

- (a) under section 38, 40 or 41 of the Reserve Forces Act 1980<sup>M2</sup>,
- (b) under section 22 of the Reserve Forces Act 1996,
- (c) pursuant to regulations made under section 4 of the Reserve Forces Act 1996,

or consists in undertaking voluntary training or duties under section 27 of the Reserve Forces Act 1996.

(3) No complaint concerning the service of any person as a member of the armed forces may be presented to an employment tribunal under regulation 8 unless—

- [<sup>F1</sup>(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and]  
 (b) that complaint has not been withdrawn.

[<sup>F2</sup>(4) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (3)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires,  
 (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and  
 (c) either—  
 (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or  
 (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person’s or panel’s decision cannot be proceeded with.]

(5) Where a complaint of the kind referred to in paragraph (3) is presented to an employment tribunal, the [<sup>F3</sup>procedures set out in service complaints regulations] may continue after the complaint is presented.

[<sup>F4</sup>(6) In this regulation—

“service complaint” means a complaint under section 340A of the Armed Forces Act 2006;

“service complaints regulations” means regulations made under section 340B(1) of that Act.]

#### Textual Amendments

- F1** Reg. 13(3)(a) substituted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 3 para. 5(a)**; S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2
- F2** Reg. 13(4) substituted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 3 para. 5(b)**; S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2
- F3** Words in reg. 13(5) substituted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 3 para. 5(c)**; S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2
- F4** Reg. 13(6) substituted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 3 para. 5(d)**; S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2

#### Marginal Citations

- M1** 1996 c. 14.  
**M2** 1980 c. 9.

#### House of Lords staff

14.—(1) These Regulations have effect in relation to employment as a relevant member of the House of Lords staff as they have effect in relation to other employment.

(2) In this regulation “relevant member of the House of Lords staff” means any person who is employed under a contract with the Corporate Officer of the House of Lords by virtue of which he is a worker.

**House of Commons staff**

**15.**—(1) These Regulations have effect in relation to employment as a relevant member of the House of Commons staff as they have effect in relation to other employment.

- (2) In this regulation “relevant member of the House of Commons staff” means any person—
- (a) who was appointed by the House of Commons Commission; or
  - (b) who is a member of the Speaker’s personal staff.

**Police service**

**16.**—(1) For the purposes of these Regulations, the holding, otherwise than under a contract of employment, of the office of constable or an appointment as a police cadet shall be treated as employment, under a contract of employment, by the relevant officer.

[<sup>F5</sup>(1A) For the purposes of these Regulations, any constable who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA, in respect of actions taken by, or on behalf of, SOCA.

- (1B) For the purposes of regulation 11 (liability of employers and principals),—
- (a) the secondment of any constable to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and
  - (b) anything done by a constable so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.]

- (2) In this regulation “the relevant officer” means—
- (a) in relation to a member of a police force or a special constable or police cadet appointed for a police area, the chief officer of police (or, in Scotland, the chief constable);
  - <sup>F6</sup>(b) . . . . .
  - (c) in relation to any other person holding the office of constable or an appointment as a police cadet, the person who has the direction and control of the body of constables or cadets in question.

[<sup>F7</sup>(4) For the purposes of these Regulations the relevant officer, as defined by paragraph (3), shall be treated as a corporation sole.

(5) In the application of this regulation to Scotland paragraph (4) shall have effect as if for the words “corporation sole” there were substituted “distinct juristic person (that is to say, as a juristic person distinct from the individual who for the time being is the office-holder).]

[<sup>F8</sup>(6) In this regulation “SOCA” means the Serious Organised Crime Agency.]

**Textual Amendments**

**F5** Reg. 16(1A) inserted (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, **Sch. para. 21(2)**

**F6** Reg. 16(2)(b) revoked (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, **Sch. para. 21(3)**

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**Changes to legislation:** There are currently no known outstanding effects for the The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, PART IV. (See end of Document for details)

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- F7** Reg. 16(4)(5) inserted (1.9.2005) by The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Amendment) Order 2005 (S.I. 2005/2240), arts. 1(1), **2(2)**
- F8** Reg. 16(6) inserted (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 21(4)**

### **Holders of judicial offices**

**17.** These Regulations do not apply to any individual in his capacity as the holder of a judicial office if he is remunerated on a daily fee-paid basis.

**Changes to legislation:**

There are currently no known outstanding effects for the The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, PART IV.