

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, SCHEDULE 16. (See end of Document for details)

SCHEDULES

SCHEDULE 16

Section 125

MINOR AND CONSEQUENTIAL AMENDMENTS

PARTS I, II.^{F1}

Textual Amendments

F1 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

^{F2}PART III

Textual Amendments

F2 Sch. 16 Pt. III repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, **Sch.1**.

- 1 In section 8 and 11, and in Schedule 2, for the words “Registrar of Friendly Societies” and “Registrar” wherever they occur substitute the words “Certification Officer”.

Modifications etc. (not altering text)

C1 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 In section 8, after subsection (6) insert the following subsection: —

“(6A) The Certification Officer shall remove the name of an organisation from the relevant list —

- (a) if he is requested by the organisation to do so, or
- (b) if he is satisfied that the organisation has ceased to exist”.

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Modifications etc. (not altering text)

C2 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 For section 8(7) substitute the following subsection:—

“(7) Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list or by a decision of his to remove its name from that list may appeal, in accordance with section 88(3) of the Employment Protection Act 1975, to the Employment Appeal Tribunal; and on any such appeal the Tribunal, if satisfied that the name should be or remain so entered, shall declare that fact and give directions to the Certification Officer accordingly.”

Modifications etc. (not altering text)

C3 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 F3

Textual Amendments

F3 Ss. 106(1), Sch. 16 Pt. III paras. 4, 17, Sch. 17 para. 13 repealed by Employment Act 1980 (c. 42), Sch. 2

5 In section 8(10), for the words from the beginning to “employers’ associations” substitute the words “The fact that the name of an organisation is included in the list of trade unions or employers’ associations shall be evidence (and in Scotland sufficient evidence) that the organisation is a trade union or, as the case may be, an employers’ association, and on the application of the organisation”, and omit the words from “and that the organisation” to the end.

Modifications etc. (not altering text)

C4 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form

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in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 6 Renumber section 17 (restriction on grant of ex parte injunctions and interdicts) as subsection (1) of that section and at the end of that section insert the following subsection:—

“(2) It is hereby declared for the avoidance of doubt that where an application is made to a court, pending the trial of an action, for an interlocutory injunction and the party against whom the injunction is sought claims that he acted in contemplation or furtherance of a trade dispute, the court shall, in exercising its discretion whether or not to grant the injunction, have regard to the likelihood of that party’s succeeding at the trial of the action in establishing the matter or matters which would, under any provision of section 13, 14(2) or 15 above, afford a defence to the action.

(3) Subsection (2) above shall not extend to Scotland”.

Modifications etc. (not altering text)

C5 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 7 (1) In section 30(1), after the definition of “act” and “action” insert—

““Certification Officer” means the officer appointed under section 7 of the Employment Protection Act 1975 ;”.

- (2) In that subsection, after the definition of “employee” insert—

““employer” (subject to subsection (2) below)—

- (a) where the reference is to an employer in relation to an employee, means the person by whom the employee is (or, in a case where the employment has ceased, was) employed, and
- (b) in any other case, means a person regarded in that person’s capacity as one for whom one or more workers work, or have worked or normally work or seek to work ;”.

- (3) In that subsection, at the end of the definition of “independent trade union” insert “and (in relation to a trade union) “independence” and “independent” shall be construed accordingly;”.

- (4) In that subsection, after the definition of “individual proprietor” insert—

““job”, in relation to an employee, means the nature of the work which he is employed to do in accordance with his contract and the capacity and place in which he is so employed ;”.

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(5) In that subsection, after the definition of “1971 Act”, insert—

““officer”, in relation to a trade union or an employers’ association includes any member of the governing body of that union or association and any trustee of any fund applicable for the purposes of that union or association;”.

Modifications etc. (not altering text)

C6 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 **F4**

Textual Amendments

F4 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

9 **F5**

Textual Amendments

F5 Sch. 16 Pt.III para. 9, 12 repealed by [Education \(Scotland\) Act 1980 \(c. 44\)](#), **Sch. 5**

10, 11. **F6**

Textual Amendments

F6 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

12 **F7**

Textual Amendments

F7 Sch. 16 Pt.III para. 9, 12 repealed by [Education \(Scotland\) Act 1980 \(c. 44\)](#), **Sch. 5**

13–16. **F8**

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Textual Amendments

F8 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

17 **F9**

Textual Amendments

F9 Ss. 106(1), Sch. 16 Pt. III paras. 4, 17, Sch. 17 para. 13 repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)

18–30. **F10**

Textual Amendments

F10 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

31 In paragraph 31(1)(b) of Schedule 1 (nominations by members of trade unions) for the words “£500” substitute the words “£1,500”.

Modifications etc. (not altering text)

C7 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

32 In paragraph 31 of Schedule 1, for sub-paragraphs (4) and (5) substitute the following sub-paragraph:—

“(4) Sub-paragraph (1)(b) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965, substituting, for references to the amount for the time being provided for, references to such higher amount as may be specified in the order.”.

Modifications etc. (not altering text)

C8 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)

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(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 33 In paragraph 33(2) of Schedule 1, after the words “government department” insert the words “or any officer or body exercising on behalf of the Crown functions conferred by any enactment”, and in paragraph 33(3)(e) of that Schedule, after the word “department” in the second, third and fourth places where it occurs insert the words “, officer or body”.

Modifications etc. (not altering text)

C9 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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F11

Textual Amendments

F11 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

- 35 (1) For the avoidance of doubt it is hereby declared that the change of name of the Industrial Court to the Industrial Arbitration Board originally effected by section 124(2) of the ^{M1}Industrial Relations Act 1971 and continued in force, so far as the ^{M2}Industrial Courts Act 1919 is concerned, by paragraph 3 of Schedule 3 to the 1974 Act, shall, as respects the relevant period, be taken not to have divested that body of any functions under any other enactment or any instrument notwithstanding that after the repeal by the 1974 Act of the said section 124(2) references in any such other enactment or any such instrument to the Industrial Court were no longer expressly directed to be construed as references to the Industrial Arbitration Board.
- (2) In this paragraph “the relevant period” means the period beginning with 16th September 1974 (the day appointed for the coming into operation of the said Schedule 3) and ending with the repeal by this Act of Part I of the ^{M3}Industrial Courts Act 1919.

Marginal Citations

M1 1971 c. 72.
M2 1919 c. 69.
M3 1919 c. 69.

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PART IV

MISCELLANEOUS AMENDMENTS

1 F12

Textual Amendments

F12 S. 122(9), Sch.16 Pt. IV para. 1 repealed by House of Commons (Administration) Act 1978 (c. 36), Sch. 3

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

- 2 (1) The Trade Union Act 1913 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections 3 to 5 for the words “Registrar of Friendly Societies” and “Registrar” wherever they occur substitute the words “Certification Officer”.
- (3) After section 5 insert the following section—

“5A Appeals.

An appeal shall lie, in accordance with section 88(2) of the Employment Protection Act 1975, to the Employment Appeal Tribunal on any question of law arising in any proceedings before or arising from any decision of the Certification Officer under section 3, 4 or 5 of this Act.”.

- (4) For section 7 substitute—

“7 Definition of Certification Officer.

In this Act references to the “Certification Officer” are references to the officer appointed under section 7 of the Employment Protection Act 1975.”.

Modifications etc. (not altering text)

C10 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C11 Sch. 16 Pt. IV para. 2 extended (N.I.) (1.7.1992) by S.I. 1992/807 (N.I. 5), art. 67(2); S.R. 1992/212, art. 2(3).

Industrial Courts Act 1919 (c. 69)

- 3 (1) The Industrial Courts Act 1919 shall be amended in accordance with the following provisions of this paragraph.

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(2) The following provisions and passages are hereby repealed:—

Sections 1, 2 and 3.

In section 4(1), the words “whether or not the dispute is reported to him under Part I of this Act”.

In section 7, the words “of the Industrial Arbitration Board and”.

In section 9, the words “before the Industrial Arbitration Board, before an arbitrator or”

Sections 11 and 12.

(3) F13

(4) For section 10 substitute—

“10 Employment under the Crown.

- (1) Subject to the following provisions of this under section, the provisions of this Act shall have effect in relation to Crown employment and to workers who are Crown employees as they have effect in relation to other employment and to other workers.
- (2) In this section “Crown employment” means, subject to subsection (3) of this seton, employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by any enactment.
- (3) This section does not apply to service as a member of the naval, military or air forces of the Crown or of any women’s service administered by the Defence Council, but does apply to employment by any association established for the purposes of the Auxiliary Forces Act 1953.
- (4) A Minister of the Crown may exempt from the provisions of this section employment of a specified description or the employment of a particular person by certificate stating that such exemption is required for the purpose of safeguarding national security; and any document purporting to be such a certificate shall, unless the contrary is proved, be deemed to be such a certificate.”

Textual Amendments

F13 Sch. 16 Pt. IV para. 3(3) repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 2(3), [Sch. 4](#)

Modifications etc. (not altering text)

C12 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Road Haulage Wages Act 1938 (c. 44)

- 4 (1) The Road Haulage Wages Act 1938 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections 4 and 5 for the word “Minister” substitute the word “Service” and in section 15(1) after the definition of “ Road haulage work” and “Road haulage worker” insert— “Service” means the Advisory, Conciliation and Arbitration Service.”.
- (3) In sections 4, 5 and 8 for the words “Industrial Court” and “Court” wherever they occur substitute respectively the words “Central Arbitration Committee” and “Committee”.
- (4) In section 4(6) for the words “the Industrial Courts Act, 1919” substitute the words “section 3 of the Employment Protection Act 1975”.
- (5) Section 5(5) is hereby repealed.

Modifications etc. (not altering text)

C13 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

5 **F14**

Textual Amendments

F14 Sch. 16 Pt. IV para. 5 repealed by [Civil Aviation Act 1980 \(c. 60, SIF 9\)](#), [Sch. 3 Pt. I](#)

Public Records Act 1958(c.51)

- 6 In Part 11 of the Table at the end of paragraph 3(2) of Schedule I to the Public Records Act 1958 insert at the appropriate place in alphabetical order the following entry—
- “Commission on Industrial Relations.”

Modifications etc. (not altering text)

C14 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Road Traffic Act 1960 (c. 16)

7 In section 152 of the Road Traffic Act 1960,—

(a) for subsection (2) substitute the following subsection:—

“(2) Any organisation representative of the persons engaged in the road transport industry may make representations to the Advisory, Conciliation and Arbitration Service to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of a road service licence are not in accordance with the requirements of the foregoing subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Service to the Central Arbitration Committee for settlement.”; and

(b) in subsections (3) and (4) for the words “Industrial Court” and “Court”, wherever they occur, substitute respectively the words “Central Arbitration Committee” and “Committee”.

Modifications etc. (not altering text)

C15 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

8 **F15**

Textual Amendments

F15 Sch. 16 Pt. IV para. 8 repealed by [Films Act 1985 \(c. 21, SIF 45A\)](#), s. 7(1), [Sch. 2](#)

Education (Scotland) Act 1962 (c. 47)

9 (1) The Education (Scotland) Act 1962 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 85, subsection (3) and, in subsection (5), the word “(3)” are hereby repealed.

(3) In section 123(2), in the proviso, the words from “and”, where secondly occurring, to the end are hereby repealed.

(4) After section 123(2), insert the following subsection—

(2A) In any scheme for any endowment, any provision which applies subsection (3) of section 85 of this Act to any certificated or registered teacher in the employment of the governing body of that endowment, or which has, in relation to such a teacher, the like effect as such a provision, shall cease to have effect.”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, SCHEDULE 16. (See end of Document for details)

Modifications etc. (not altering text)

C16 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

10 (1) The Trade Union (Amalgamations etc.) Act 1964 shall be amended in accordance with the following provisions of this paragraph.

(2) In sections 1, 4, 6 and 7 (and the Schedules), for the word “Registrar” wherever it occurs substitute the words “ Certification Officer”, and in section 9(1) after the definition of “the amalgamating unions” and “the amalgamated union” insert—

““Certification Officer” means the officer appointed under section 7 of the Employment Protection Act 1975.”.

(3) For section 4(8) substitute the following subsection—

“(8) An appeal shall lie, in accordance with section 88(2) of the Employment Protection Act 1975, at the instance of the complainant or the trade union to the Employment Appeal Tribunal on any question of law arising in any proceedings before, or arising from any decision of, the Certification Officer under this section.”.

Modifications etc. (not altering text)

C17 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Remuneration of Teachers Act 1965 (c. 3)

[^{F16}11 (1) The Remuneration of Teachers Act 1965 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 3(3) for the words “Minister of Labour” substitute the words “Advisory, Conciliation and Arbitration Service”; and references in any arrangements made by the Secretary of State under section 3(1) to the Minister of Labour shall be construed as references to the Service.

(3) In section 3(3), the words from “and, where arbitrators” to the end, and section 6(d) are hereby repealed.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, SCHEDULE 16. (See end of Document for details)

Textual Amendments

F16 Sch. 16 Pt. IV para. 11 repealed (E.W.) by [Teachers' Pay and Conditions Act 1987 \(c. 1\)](#), s. 8(2), [Sch. 2](#)

Modifications etc. (not altering text)

C18 The text of Sch. 16 Pt. IV paras. 11, 13(2)(3), 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Remuneration of Teachers (Scotland) Act 1967 (c. 36)

- 12 (1) The Remuneration of Teachers (Scotland) Act 1967 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 3(3) for the words “Minister of Labour” substitute the words “Advisory, Conciliation and Arbitration Service”; and references in any arrangements made by the Secretary of State under section 3(1) to the Minister of Labour shall be construed as references to the Service.
- (3) In section 3(3), the words from “and, where arbiters” to the end, and section 7(c) are hereby repealed.

Modifications etc. (not altering text)

C19 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Equal Pay Act 1970 (c. 41)

- 13 (1) The Equal Pay Act 1970 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections . . . ^{F17} . . . ^{F18} 5, 7 . . . ^{F17}, for the words “Industrial Arbitration Board” (being words substituted by Part I of Schedule 1 to the Sex Discrimination Act 1975), wherever they occur, substitute the words “Central Arbitration Committee”.
- (3) In sections . . . ^{F18} 5 . . . ^{F17} for the word “Board” (being a word so substituted), wherever it occurs except in the expression “Agricultural Wages Board”, substitute the word “Committee”.
- (4) ^{F19}
- (6) ^{F20}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, SCHEDULE 16. (See end of Document for details)

Textual Amendments

- F17** Words repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9(2), **Sch. Pt. II**
- F18** Words repealed by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), **Sch. 5 Pt. II**
- F19** [Sch. 16 Pt. IV para. 13\(4\)\(5\)](#) repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9(2), **Sch. Pt. II**
- F20** [Sch. 16 Pt. IV para. 13\(6\)–\(11\)](#) repealed by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), **Sch. 5 Pt. II**

Modifications etc. (not altering text)

- C20** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C21** The text of Sch. 16 Pt. IV paras. 11, 13(2)(3), 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

14 **F21**

Textual Amendments

- F21** [Ss. 22–39, 41–88, 108\(2\)–\(8\), 109, 112, 119\(2\)\(8\)–\(11\), 120, 121\(8\), 122\(3\), 124\(2\)–\(4\), 126\(3\)\(5\), 128\(2\), 129\(2\), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I, II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt. IV para. 14, Sch. 17 paras. 7–10, 16, 17](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

15 **F22**

Textual Amendments

- F22** [Sch. 16 Pt. IV para. 15](#) repealed by [Broadcasting Act 1981 \(c. 68, SIF 96\)](#), s. 65(4), **Sch. 9**

House of Commons Disqualification Act 1975 (c. 24)

16 (1) The House of Commons Disqualification Act 1975 shall be amended in accordance with the following provisions of this paragraph.

(2) In Part II of Schedule I (bodies of which all members are disqualified under that Act), insert, at the appropriate places in alphabetical order, the following entries:—

“The Central Arbitration Committee.

The Council of the Advisory, Conciliation and Arbitration Service.

The Employment Appeal Tribunal.

... **F23**

... **»F23**

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects for the
 Employment Protection Act 1975, SCHEDULE 16. (See end of Document for details)*

- (3) In Part III of Schedule 1 (other disqualifying offices), insert the following entry at the appropriate place, in alphabetical order:—

“Certification Officer or assistant certification officer appointed under section 7 of the Employment Protection Act 1975.”

Textual Amendments

F23 Entries repealed by [Employment and Training Act 1981 \(c. 57, SIF 43:1\)](#), s. 11(2), **Sch. 3**

Modifications etc. (not altering text)

C22 The text of Sch. 16 Pt. IV paras. 11, 13(2)(3), 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Social Security Pensions Act 1975 (c. 60)

- 17 After section 31(8) of the Social Security Pensions Act 1975 there shall be inserted the following subsection:—

“(9) A trade union shall be treated as recognised for the purpose of this section not only if it is recognised for the purpose of collective bargaining, but also if the Advisory Conciliation and Arbitration Service has made a recommendation for recognition under the Employment Protection Act 1975 and that recommendation is operative within the meaning of section 15 of that Act.”.

Modifications etc. (not altering text)

C23 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Sex Discrimination Act 1975 (c. 65)

- 18 (1) The Sex Discrimination Act 1975 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 65(2), for the words “amount for the time being specified in paragraph 20(1)(b)” substitute the words “limit for the time being imposed by paragraph 20”.
- (3) In the ^{M4}Equal Pay Act 1970 as set out in Part II of Schedule I to the Sex Discrimination Act 1975 there shall be made the same amendments as are made to the former Act by paragraph 13 of this Part of this Schedule.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, SCHEDULE 16. (See end of Document for details)

Modifications etc. (not altering text)

C24 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 [1970 c.41](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection Act 1975, SCHEDULE 16.