

SCHEDULES

SCHEDULE 16

Section 125.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

REDUNDANCY PAYMENTS ACT 1965

- 1 In section 1(1) (general right to redundancy payments) at end add " and Schedule 4 to the Employment Protection Act 1975 ".
- 2 For subsections (3) to (5) of section 2 (disentitlement to redundancy payment where employee unreasonably refuses offer of renewal of contract or re-engagement) substitute the following subsections:—
- “(3) If an employer makes an employee an offer (whether in writing or not) before the ending of his employment under the previous contract to renew his contract of employment, or to re-engage him under a new contract of employment, so that the renewal or re-engagement would take effect either immediately on the ending of his employment under the previous contract or after an interval of not more than four weeks thereafter the provisions of subsections (5) and (6) of this section shall have effect.
- (4) For the purposes of the application of the last preceding subsection to a contract under which the employment ends on a Friday, Saturday or Sunday—
- (a) the renewal or re-engagement shall be treated as taking effect immediately on the ending of the employment under the previous contract if it takes effect on or before the next Monday after that Friday, Saturday or Sunday; and
- (b) the interval of four weeks shall be calculated as if the employment had ended on that Monday.
- (5) If an employer makes an employee such an offer as is referred to in subsection (3) of this section and either—
- (a) the provisions of the contract as renewed, or of the new contract, as to the capacity and place in which he would be employed, and as to the other terms and conditions of his employment, would not differ from the corresponding provisions of the previous contract; or
- (b) the first mentioned provisions would differ (wholly or in part) from those corresponding provisions, but the offer constitutes an offer of suitable employment in relation to the employee ;
- and in either case the employee unreasonably refuses that offer, he shall not be entitled to a redundancy payment by reason of his dismissal.

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- (6) If an employee's contract of employment is renewed, or he is re-engaged under a new contract of employment, in pursuance of such an offer as is referred to in subsection (3) of this section, and the provisions of the contract as renewed, or of the new contract, as to the capacity and place in which he is employed, and as to the other terms and conditions of his employment, differ (wholly or in part) from the corresponding provisions of the previous contract but the employment is suitable in relation to the employee, and during the trial period referred to in section 3 of this Act the employee unreasonably terminates the contract, or unreasonably gives notice to terminate it and the contract is thereafter, in consequence, terminated, he shall not be entitled to a redundancy payment by reason of his dismissal from employment under the previous contract.”.

3 For section 3 (dismissal by employer) substitute the following section—

“3 Dismissal by employer.

- (1) In this Part of this Act, "dismiss" and "dismissal" shall be construed in accordance with the provisions of this section and the next following section.
- (2) Subject to the following provisions of this section and to the next following section, an employee shall be treated as dismissed by his employer, if, but only if—
- (a) the contract under which he is employed by the employer is terminated by the employer, whether it is so terminated by notice or without notice, or
 - (b) where under that contract he is employed for a fixed term, that term expires without being renewed under the same contract, or
 - (c) the employee terminates that contract, with or without notice, in circumstances (not falling within section 10(4) of this Act) such that he is entitled to terminate it without notice by reason of the employer's conduct.
- (3) If an employee's contract of employment is renewed, or he is re-engaged under a new contract of employment in pursuance of an offer (whether in writing or not) made by his employer before the ending of his employment under the previous contract, and the renewal or re-engagement takes effect either immediately on the ending of that employment or after an interval of not more than four weeks thereafter, then, subject to subsections (5) to (8) of this section, the employee shall not be regarded as having been dismissed by his employer by reason of the ending of his employment under the previous contract.
- (4) For the purposes of the application of the last preceding subsection to a contract under which the employment ends on a Friday, Saturday or Sunday—
- (a) the renewal or re-engagement shall be treated as taking effect immediately on the ending of the employment if it takes effect on or before the Monday after that Friday, Saturday or Sunday, and
 - (b) the interval of four weeks referred to in that subsection shall be calculated as if the employment had ended on that Monday.

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- (5) If in a case to which subsection (3) of this section applies, the provisions of the contract as renewed, or the new contract, as to the capacity and place in which the employee is employed, and as to the other terms and conditions of his employment, differ (wholly or in part) from the corresponding provisions of the previous contract, there shall be a trial period in relation to the contract as renewed, or the new contract (whether or not there has been a previous trial period under this section).
- (6) The trial period shall begin with the ending of the employee's employment under the previous contract and end with the expiration of the period of four weeks beginning with the date on which the employee starts work under the contract as renewed, or the new contract, or such longer period as may be agreed in accordance with the next following subsection for the purpose of retraining the employee for employment under that contract.
- (7) Any such agreement shall—
- (a) be made between the employer and the employee or his representative before the employee starts work under the contract as renewed or, as the case may be, the new contract;
 - (b) be in writing ;
 - (c) specify the date of the end of the trial period; and
 - (d) specify the terms and conditions of employment which will apply in the employee's case after the end of that period.
- (8) If during the trial period—
- (a) the employee, for whatever reason, terminates the contract, or gives notice to terminate it and the contract is thereafter, in consequence, terminated ; or
 - (b) the employer, for a reason connected with or arising out of the change to the renewed, or new, employment, terminates the contract, or gives notice to terminate it and the contract is thereafter, in consequence, terminated,
- then, unless the employee's contract of employment is again renewed, or he is again re-engaged under a new contract of employment, in circumstances such that subsection (3) above again applies, he shall be treated as having been dismissed on the date on which his employment under the previous contract or, if there has been more than one trial period, the original contract ended for the reason for which he was then dismissed or would have been dismissed had the offer (or original offer) of renewed, or new, employment not been made, or, as the case may be, for the reason which resulted in that offer being made.
- (9) Subject to the next following subsection and to the next following section, in this Part of this Act, "the relevant date", in relation to the dismissal of an employee—
- (a) where his contract of employment is terminated by notice, whether given by his employer or by the employee, means the date on which that notice expires ;
 - (b) where his contract of employment is terminated without notice, means the date on which the termination takes effect;

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- (c) where he is employed under a contract for a fixed term and that term expires as mentioned in subsection (2)(b) of this section, means the date on which that term expires ; and
 - (d) where he is treated, by virtue of subsection (8) of this section, as having been dismissed on the termination, of his employment under a previous contract, means—
 - (i) for the purposes of section 21 of this Act, the date which is the relevant date as defined by paragraph (a), (b) or (c) of this subsection in relation to the renewed, or new, contract, or, where there has been more than one trial period, the last such contract; and
 - (ii) for any other purpose, the date which is the relevant date as defined by paragraph (a), (b) or (c) of this subsection in relation to the previous contract, or, where there has been more than one trial period, the original contract.
- (10) Where the notice required to be given by an employer to terminate a contract of employment by section 1(1) of the Contracts of Employment Act 1972 (minimum period of notice) would, if duly given when notice of termination was given by the employer, or (where no notice was given) when the contract of employment was terminated by the employer, expire on a date later than the relevant date as defined by the last preceding subsection, then for the purposes of section 8(1) of, and paragraphs 1(1) and 5(7) of Schedule 1 to, this Act, that later date shall be treated as the relevant date in relation to the dismissal.”.
- 4 In section 5(2) omit the words " (calculated in accordance with Schedule 2 to this Act) " and after that subsection insert the following subsection—
- “(2A) For the purposes of Part II of Schedule 4 to the Employment Protection Act 1975 as it applies for the calculation of a week's pay for the purposes of the last preceding subsection, the calculation date is the day immediately preceding the first of the four or, as the case may be, the six weeks referred to in section 6(1) of this Act.”.
- 5 (1) In section 8(1) for the words " one hundred and four weeks " substitute the words " two years ".
- (2) In section 8(3) for the words " 3(2)" substitute the words " 3(3) ".
- (3) After section 8(3) insert the following subsection—
- “(3A) Where by virtue of section 3(10) of this Act a date is to be treated as the relevant date for the purposes of subsection (1) of this section which is later than the relevant date as defined by subsection (9) of that section, then in determining for the purposes of section 1(1) of this Act whether the employee has been continuously employed for the requisite period, the period of the interval between those two dates shall count as a period of employment notwithstanding that it does not count under that Schedule.”.
- (4) In section 8(4) for the words " sections 17 and 24 " substitute the words ' sections 17, 24 and 24A ".
- 6 For section 12 there shall be substituted the following section—

“12 Claims as to extension of terms and conditions.

- (1) A claim under paragraph 1 of Schedule 11 to the Employment Protection Act 1975 (claims as to recognised terms and conditions and general level of terms and conditions) may be reported to the Advisory, Conciliation and Arbitration Service in accordance with that Schedule, and may be referred by the Service to the Central Arbitration Committee, and the Committee may make an award under that Schedule, notwithstanding that the terms and conditions which it is claimed that the employer is not observing consist of or include terms and conditions as to payments to be made to employees in the circumstances specified in paragraph (a) or paragraph (b) of section 1(1) of this Act, or in similar circumstances, and that provision for redundancy payments is made by this Act.
 - (2) Where a claim which is reported to the Service under the said paragraph 1 is founded upon recognised terms and conditions and relates to an agreement in respect of which an order under section 11 of this Act is for the time being in force, and the Committee makes an award in pursuance of that claim, section 11(3) of this Act shall have effect in relation to all persons in respect of whom the employer is required by that award to observe the recognised terms and conditions, whether they are persons to whom section 11(3) of this Act would apply apart from this subsection or not.”
- 7 (1) In section 13(2) for the words " section 3(2)" substitute the words " subsections (3) to (10) of section 3 ".
- (2) In section 13(3) omit the words from " but the employee " to the end of the subsection and insert the words " subsections (3) to (6) of section 2 of this Act shall have effect, subject to the next following subsection, in relation to that offer as they would have had effect in relation to the like offer made by the previous owner. ".
- (3) In section 13(4) for the words "subsection (3) or subsection (4)" substitute the words " subsections (3) to (6) " and at the end of paragraph (b) insert the words " or, as the case may be, whether the employee acted reasonably in terminating the renewed, or new, employment during the trial period referred to in section 3 of this Act ".
- 8 For section 17(3) to (6) (computation of period of employment as respects employment wholly or partly abroad) substitute the following subsections—
- “(3) Subject to the following provisions of this section, in computing, in relation to an employee, the period specified in section 8(1) of this Act, or the period specified in paragraph 1 of Schedule 1 to this Act, a week of employment before 6th April 1975 shall not count if—
- (a) the employee was employed outside Great Britain during the whole or part of that week, and
 - (b) no employer's contribution in respect of him was paid in respect of the corresponding contribution week,
- unless an employer's contribution in respect of him was payable (though not in fact paid) in respect of the corresponding contribution week.
- (4) For the purposes of the application of the last preceding subsection to a week of employment where the corresponding contribution week began before the 5th July 1948, an employer's contribution shall be treated as payable as mentioned in that subsection if such a contribution would have been so

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payable if the statutory provisions relating to national insurance which were in force on 5th July 1948 had been in force in that contribution week.

(4A) Subject to the following provisions of this section, in computing, in relation to an employee the period specified in section 8(1) of this Act or the period specified in paragraph 1 of Schedule 1 to this Act, a week of employment after the 6th April 1975 and before the day appointed for the coming into force of paragraph 8 of Part I of Schedule 16 to the Employment Protection Act 1975 shall not count if—

- (a) the employee was employed outside Great Britain during the whole or part of that week ; and
- (b) he was not during that week an employed earner for the purposes of the Social Security Act 1975.

(4B) Subject to the following provisions of this section, in computing in relation to an employee, either of those periods, a week of employment after the day so appointed shall not count if—

- (a) the employee was employed outside Great Britain during the whole or part of that week ; and
- (b) he was not during that week an employed earner for the purposes of the Social Security Act 1975 in respect of whom a secondary Class 1 contribution was payable under that Act (whether or not such a contribution was in fact paid).

(5) Where by virtue of subsection (3), (4A) or (4B) of this section a week of employment does not count in computing such a period as is mentioned in those subsections, the continuity of that period shall not be broken by reason only that that week of employment does not count in computing that period.

(6) Any question arising under this section—

- (a) whether an employer's contribution was paid, or was or would have been payable, as mentioned in subsection (3) or (4) of this section ; or
- (b) whether a person was an employed earner for the purposes of the Social Security Act 1975 and if so whether a secondary Class 1 contribution was payable in respect of him under that Act,

shall be determined by the Secretary of State; and any legislation (including regulations) as to the determination of questions which under that Act the Secretary of State is empowered to determine (including provisions as to the reference of questions for decision, or as to appeals, to the High Court or the Court of Session) shall apply to the determination of any question by the Secretary of State under this section.”.

9 Renumber section 21 (claims for redundancy payments) as subsection (1) of that section, and at the end add—

“or

- (d) a complaint relating to his dismissal has been presented by the employee under paragraph 17 of Schedule 1 to the Trade Union and Labour Relations Act 1974.

(2) An employee shall not by virtue of the preceding subsection lose his right to a redundancy payment if, during the period of six months immediately following the period mentioned in that subsection, the employee—

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- (a) makes such a claim as is referred to in paragraph (b) of that subsection,
 - (b) refers to a tribunal such a question as is referred to in paragraph (c) of that subsection, or
 - (c) makes such a complaint as is referred to in paragraph (d) of that subsection,
- and it appears to the tribunal to be just and equitable that the employee should receive a redundancy payment having regard to the reason shown by the employee for his failure to take any such step as is referred to in paragraph (a), (b) or (c) of this subsection within the period mentioned in the preceding subsection, and to all the other relevant circumstances.”.
- 10 (1) In section 22(1) at the end insert the following words " and in particular the provisions of section 3 of this Act shall apply accordingly. ".
- (2) For section 22(2) substitute the following subsection—
- “(2) Where the preceding subsection applies, and the employee's contract of employment is not renewed, and he is not re-engaged under a new contract of employment, so as to be treated, by virtue of section 3(3) of this Act, as not having been dismissed, he shall, without prejudice to section 3(8) of this Act, be taken for the purposes of this Act to be dismissed by reason of redundancy if the circumstances in which his contract is not so renewed and he is not so re-engaged are wholly or mainly attributable to one or other of the facts specified in paragraphs (a) and (b) of section 1(2) of this Act.”.
- (3) For section 22(4) substitute the following subsection—
- “(4) In this section any reference to section 3(3) of this Act includes a reference to the said section 3(3) as applied by section 13(2) of this Act or as so applied and, where appropriate, modified by section 13A(2) of this Act, and where section 3(3) applies with modifications in accordance with the said section 13A(2) the references in subsection (2) of this section to renewal of or re-engagement under a contract of employment shall be construed as including references to renewal of or re-engagement in employment otherwise than under a contract of employment.”.
- 11 In section 25(2) for the words "3(4)" substitute the words " section 3(9) and (10) ".
- 12 (1) In section 30(1)(c) for the words "Industrial Court" substitute the words " Central Arbitration Committee ".
- (2) After section 30(2), insert the following subsection:—
- “(2A) The Secretary of State may if he thinks fit pay a rebate to an employer who has paid an employee a redundancy payment in circumstances in which, owing to section 21 of this Act, the employee had no right to, and the employer had no liability for, the payment, if the Secretary of State is satisfied that it would be just and equitable to do so having regard to all the relevant circumstances.”.
- 13 In section 31(4) (repayment from Redundancy Fund in certain cases) for the words "the appropriate allocation to the Redundancy Fund" substitute the words " the amount paid into the Redundancy Fund from the appropriate employment protection allocation ".

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- 14 In section 32(5) (definition of insolvency), at the end of paragraph (a) insert the words " or a receiving order is made against him ".
- 15 In section 32(b) (definition of insolvency in Scotland)—
- (a) for the words " paragraphs (a) and (b)" substitute the words " paragraphs (a), (b) and (c) ";
 - (b) in paragraph (a) as substituted omit the word " or " in the third place where it occurs ; and
 - (c) after paragraph (b) as substituted insert the following paragraph—
- “; or
- (c) where the employer is a company, a winding up order has been made or a resolution for voluntary winding up is passed with respect to it or a receiver of its undertaking is duly appointed.”.
- 16 In section 34 after subsection (3) insert the following subsection—
- “(3A) Where, in any case to which section 30(2A) of this Act applies, the Secretary of State refuses to pay a rebate, the employer may appeal to a tribunal; and if on any such appeal the tribunal is satisfied that it is just and equitable having regard to all the relevant circumstances that a rebate should be paid, the tribunal shall determine accordingly, and the Secretary of State shall comply with any such determination of a tribunal.”.
- 17 In section 35(2) (limit on advances from the National Loans Fund to the Redundancy Fund) for the words "£8 million" and " £20 million " substitute respectively the words " £16 million " and " £40 million ".
- 18 For section 48 (associated companies) substitute the following section—

“48 Associated employers.

- (1) Any reference in Part I of this Act to re-engagement by the employer shall be construed as a reference to re-engagement by the employer or by any associated employer, and any reference in that Part of this Act to an offer made by the employer shall be construed as including a reference to an offer made by an associated employer.
- (2) The preceding subsection shall not affect the operation of section 13 of this Act in a case where the previous owner and the new owner (as defined by that section) are associated employers; and where that section applies, the preceding subsection shall not apply.
- (3) Where an employee is dismissed by his employer and—
 - (a) neither of the conditions specified in paragraphs (a) and (b) of section 1(2) of this Act is fulfilled, but
 - (b) one or other of those conditions would be fulfilled if the business of the employer together with the business or businesses of his associated employers were treated as one business,
 that condition shall for the purposes of Part I of this Act be taken to be fulfilled in relation to the dismissal of the employee.
- (4) For the purposes of this section any two employers are to be treated as associated if one is a company of which the other (directly or indirectly)

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has control, or if both are companies of which a third person (directly or indirectly) has control; and the expression " associated employer " shall be construed accordingly.”.

- 19 In paragraph 1(1) of Schedule 1 (computation of period of employment for calculating redundancy payments) in paragraph (a) omit the word " and " , and after paragraph (b) insert the following paragraph:—

“and

- (c) the period of any such interval as is referred to in section 8(3A) of this Act counted as a period of employment notwithstanding that it does not count under that Schedule.”.

- 20 In paragraph 1(2) of Schedule 1 for the words "or section 24 " substitute the words " , section 24 or section 24A " .

- 21 For paragraph 5 of Schedule 1 (computation of and limit on a week's pay for calculating redundancy payments) substitute the following paragraph:—

- “5 (1) For the purposes of Part II of Schedule 4 to the Employment Protection Act 1975 as it applies for the calculation of a week's pay for the purposes of this Schedule, the calculation date is, subject to sub-paragraph (3) below, the date on which notice would have been given by the employer had the conditions referred to in the next following sub-paragraph been fulfilled (whether those conditions were in fact fulfilled or not).
- (2) Those conditions are that the contract was terminable by notice and was terminated by the employer giving such notice as is required to terminate that contract by section 1(1) of the Contracts of Employment Act 1972 (minimum period of notice) and that the notice expired on the relevant date.
- (3) Where by virtue of section 3(10) of this Act a date is to be treated as the relevant date for the purposes of certain provisions of this Act (which do not include this sub-paragraph) which is later than the relevant date as denned by subsection (9) of that section, then, for the purposes of Part II of Schedule 4 to the Employment Protection Act 1975 as it applies for the calculation of a week's pay for the purposes of this Schedule, the calculation date is the relevant date as defined by the said subsection (9).
- (4) Notwithstanding anything in the said Part II of Schedule 4, the amount of a week's pay for the purpose of calculating a redundancy payment shall not exceed £80.
- (5) The Secretary of State may, after a review under section 86 of the Employment Protection Act 1975, vary the limit referred to in the preceding sub-paragraph by order made by statutory instrument in accordance with that section.
- (6) An order under this paragraph may contain such transitional and incidental provisions as appear to the Secretary of State to be necessary or expedient, and may be varied or revoked by a subsequent order made thereunder.
- (7) Without prejudice to the generality of the power under the last preceding sub-paragraph to make transitional provision in an order under this paragraph, such an order may provide that it shall apply
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in the case of a dismissal in relation to which the relevant date for the purposes of this sub-paragraph falls after the order comes into operation, notwithstanding that the relevant date for the purposes of other provisions of this Act falls before the order comes into operation.”.

22 In paragraph 9 of Schedule 1 after the word "week" insert the words " , except in the expression " a week's pay," " and omit the words from " and " to the end.

23 For paragraphs 3 and 4 of Schedule 4 (renewal of employment by personal representative of deceased employer) substitute the following paragraphs—

“3 Where by virtue of subsection (1) of section 22 of this Act the death of the deceased employer is to be treated for the purposes of this Act as a termination by him of the contract of employment, section 3 of this Act shall have effect subject to the following modifications:—

(a) for subsection (3) there shall be substituted the following subsection—

“(3) If an employee's contract of employment is renewed, or he is re-engaged under a new contract of employment, by a personal representative of the deceased employer and the renewal or re-engagement takes effect not later than eight weeks after the death of the deceased employer, then, subject to subsections (5) and (8) of this section, the employee shall not be regarded as having been dismissed by reason of the ending of his employment under the previous contract.”.

(b) in subsection (4) paragraph (a) shall be omitted and in paragraph (b) for the words " four weeks " there shall be substituted the words " eight weeks ";

(c) in subsections (7) and (8) references to the employer shall be construed as references to the personal representative of the deceased employer.

4 Where by reason of the death of the deceased employer the employee is treated for the purposes of this Act as having been dismissed by him, section 2 of this Act shall have effect subject to the following modifications—

(a) for subsection (3) there shall be substituted the following subsection—

“(3) If a personal representative of the deceased employer makes an employee an offer (whether in writing or not) to renew his contract of employment, or to re-engage him under a new contract of employment, so that the renewal or re-engagement would take effect not later than eight weeks after the death of the deceased employer the provisions of subsections (5) and (6) of this section shall have effect.”;

(b) in subsection (4) paragraph (a) shall be omitted and in paragraph (b) for the words " four weeks " there shall be substituted the words " eight weeks ";

(c) in subsection (5) the reference to the employer shall be construed as a reference to the personal representative of the deceased employer.”.

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- 24 In paragraph 5 of Schedule 4 at the end insert " or, as the case may be, whether the employee acted reasonably in terminating the renewed, or new, employment during the trial period referred to in section 3 of this Act ".
- 25 Paragraph 6 of Schedule 4 is hereby repealed.
- 26 In paragraph 7 of Schedule 4 for the words from " as mentioned " to " Schedule " substitute the words " by a personal representative of the deceased employer ".
- 27 Paragraph 12 of Schedule 4 is hereby repealed.
- 28 Renumber paragraph 16 of Schedule 4 (death of employee during notice period) as sub-paragraph (1) of that paragraph and after that sub-paragraph insert the following sub-paragraph:—
- “(2) Where the employee's contract of employment has been terminated by the employer and by virtue of section 3(10) of this Act a date later than the relevant date as defined by subsection (9) of that section is to be treated as the relevant date for the purposes of certain provisions of this Act, and before that later date the employee dies, the said subsection (10) shall have effect as if the notice referred to in that subsection as required to be given by an employer would have expired on the employee's death.”.
- 29 Renumber paragraph 17 of Schedule 4 (death of employee after offer of alternative employment) as sub-paragraph (1) of that paragraph.
- 30 In that sub-paragraph for the words from "subsection (3)" to the end substitute the words " subsection (5) of section 2 of this Act shall apply as if for the words " the employee unreasonably refuses" there were substituted the words " it would have been unreasonable on the part of the employee to refuse. ".
- 31 After that sub-paragraph insert the following sub-paragraph:—
- “(2) Where an employee's contract of employment has been renewed, or he has been re-engaged under a new contract of employment, and during the trial period the employee dies without having terminated or having given notice to terminate the contract, subsection (6) of that section shall apply as if for the words from " and during the trial period " to " terminated " there were substituted the words " and it would have been unreasonable for the employee, during the trial period referred to in section 3 of this Act, to terminate or give notice to terminate the contract”.
- 32 After paragraph 17 of Schedule 4, insert the following paragraph:—
- “17A Where an employee's contract of employment has been renewed, or he has been re-engaged under a new contract of employment, and during the trial period he gives notice to terminate the contract but dies before the expiry of that notice sections 2(6) and 3(8)(a) shall have effect as if that notice had expired and the contract had thereby been terminated on the date of the employee's death.”.
- 33 Renumber paragraph 20 of Schedule 4 as sub-paragraph (1) of that paragraph and—
- (a) in that sub-paragraph after the words " relevant date" insert the words " subsection (1) of "; and
- (b) after that sub-paragraph insert the following sub-paragraph—
- “(2) In relation to the making of a claim by a personal representative of a deceased employee who dies after the end of the period

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of six months beginning with the relevant date and before the end of the following period of six months, subsection (2) of section 21 of this Act shall apply with the substitution, for the words " six months " , of the words " one year."

34 After paragraph 21 of Schedule 4 insert the following paragraph—

“21A (1) If there is no personal representative of a deceased employee, tribunal proceedings arising under any of the provisions of this Act (or proceedings to enforce a tribunal award made in any such proceedings) may be instituted or continued on behalf of the estate of the deceased employee by such other person as the tribunal may appoint being either—

- (a) a person authorised by the employee to act in connection with the proceedings before the employees' death; or
- (b) the widower, widow, child, father, mother, brother or sister of the deceased employee,

and references in this Part of this Schedule to a personal representative shall be construed as including such a person.

(2) In such a case any award made by the tribunal shall be in such terms and shall be enforceable in such manner as may be provided by regulations made by the Secretary of State.

(3) Section 123 of the Employment Protection Act 1975 shall apply to this paragraph as if it were a provision of that Act.”.

PART II

CONTRACTS OF EMPLOYMENT ACT 1972

1 In sections 1(1) to (3) and 2 (minimum period of notice) for the words " thirteen weeks ", wherever they occur, substitute the words " four weeks ".

2 In section 1(1) for paragraphs (b) to (e) substitute the following paragraphs—

- “(b) shall be not less than one week's notice for each year of continuous employment if his period of continuous employment is two years or more but less than twelve years ; and
- (c) shall be not less than twelve weeks' notice if his period of continuous employment is twelve years or more.”.

3 In section 1(4) (contract for a term certain to be treated in certain cases as a contract for an indefinite period) for the words " thirteen weeks " substitute the words " twelve weeks ".

4 In section 4(1) (written statement of terms of employment).—

- (a) after the words " the date when the employment began ", insert the words " stating whether any employment with a previous employer counts as part of the employee's continuous period of employment with him, and if so specifying the date on which the continuous period of employment began "; and
- (b) after paragraph (e) insert " and (f) the title of the job which the employee is employed to do: ".

5 In section 4(2) (written particulars to contain note about grievance procedure)—

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- (a) at the beginning insert the words " Subject to subsection (2A) of this section "; and
- (b) for paragraphs (b) and (c) substitute the following paragraphs:—
 - “(a) specifying any disciplinary rules applicable to the employee, or referring to a document which is reasonably accessible to the employee and which specifies such rules ;
 - (b) specifying, by description or otherwise—
 - (i) a person to whom the employee can apply if he is dissatisfied with any disciplinary decision relating to him ; and
 - (ii) a person to whom the employee can apply for the purpose of seeking redress of any grievance relating to his employment,and the manner in which any such applications should be made ; and
 - (c) where there are further steps consequent upon any such application, explaining those steps or referring to a document which is reasonably accessible to the employee and which explains them,”.

6 After section 4(2) insert the following subsection—

“(2A) The provisions of paragraphs (a) to (c) of subsection (2) of this section shall not apply to rules, disciplinary decisions, grievances or procedures relating to health or safety at work.”.

7 In section 4(7) (part-time employment)—

- (a) at the beginning insert the words " Subject to the following provisions of this section, "; and
- (b) for the words " twenty-one hours" substitute the words " sixteen hours ".

8 After section 4(7) insert the following subsections—

“(8) If the employee's relations with his employer cease to be governed by a contract which normally involves work for sixteen hours or more weekly and become governed by a contract which normally involves employment for eight hours or More, but less than sixteen hours, weekly, the employee shall nevertheless for a period of twenty-six weeks computed in accordance with the next following subsection be treated for the purposes of the foregoing subsection as if his contract normally involved employment for sixteen hours or more weekly.

(9) In computing the said period of twenty-six weeks no account shall be taken of any week—

- (a) during which the employee is in fact employed for sixteen hours or more ;
- (b) during which the employee takes part in a strike (as defined in paragraph 11 of Schedule 1 to this Act), or is absent from work because of a lock-out (as so defined) by his employer ; or
- (c) during which there is no contract of employment but which, by virtue of paragraph 5(1) of Schedule 1 to this Act, counts in computing a period of continuous employment

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- (10) An employee whose relations with his employer are governed by a contract of employment which normally involves employment for eight hours or more, but less than sixteen hours, weekly shall nevertheless, if he has been continuously employed for a period of five years or more (computed in accordance with Schedule 1 to this Act) be treated for the purposes of subsection (7) of this section as if his contract normally involved employment for sixteen hours or more weekly.”.
- 9 In section 5(4) (written statement of change in terms of employment), after the word " but" insert the words " subject to subsection (5) of this section " , and after that subsection insert the following subsection—
- “(5) A written statement under this section which informs an employee of such a change in his terms of employment as is referred to in subsection (4)(b) of this section shall specify the date on which the employee's continuous period of employment began.”.
- 10 In section 9 (excluded categories of employees)—
- (a) after subsection (2) insert the following subsection:—
- “(2A) Section 1 of this Act shall not apply to a person employed under a contract made in contemplation of the performance of a specific task which is not expected to last for more than twelve weeks, unless the employee has been continuously employed for a period of more than twelve weeks (computed in accordance with Schedule 1 to this Act).”; and
- (b) in subsection (3) for the words from " father " to " daughter " substitute the words " husband or wife ".
- 11 For section 10 (power to vary number of weekly hours of employment necessary to qualify for rights) substitute the following section:—

“10 Power to vary number of weekly hours of employment necessary to qualify for rights.

- (1) The Secretary of State shall have power by order to provide that this Act shall have effect as if—
- (a) for each of the references to sixteen hours in section 4(7) to (10) of this Act and in paragraphs 3, 4, 4A, 4B and 4C of Schedule 1 to this Act there were substituted a reference to such other number of hours less than sixteen as may be specified in the order ; and
- (b) as if for each of the references to eight hours in section 4(7), (8) and (10) of this Act and in paragraphs 4B and 4C of the said Schedule there were substituted a reference to such other number of hours less than eight as may be specified in the order.
- (2) An order under the foregoing subsection shall affect the operation of Schedule 1 to this Act as respects periods before the order takes effect as well as respects later periods.
- (3) An order under this section may contain such transitional and other supplemental and incidental provisions as appear to the Secretary of State to be expedient, and may be varied or revoked by a further order so made.

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- (4) An order under this section shall be made by statutory instrument, but no such order shall be made unless a draft of the order has been laid before Parliament and approved by resolution of each House.”.
- 12 For paragraph 1(1) of Schedule 1 (computation of period of employment) substitute the following sub-paragraph—
- “(1) Where an employee's period of employment is, for the purposes of any enactment (including any enactment contained in this Act), to be computed in accordance with this Schedule, it shall be computed in weeks, and in any such enactment which refers to a period of employment expressed in years, a year means 52 weeks (whether continuous or discontinuous) which count in computing a period of employment.”.
- 13 In paragraph 3 and 4 of Schedule 1 for the words " twenty-one hours" wherever they occur substitute the words " sixteen hours ".
- 14 After paragraph 4 of Schedule 1 insert the following paragraphs—
- “4A (1) If the employee's relations with his employer cease to be governed by a contract which normally involves work for sixteen hours or more weekly and become governed by a contract which normally involves employment for eight hours or more, but less than sixteen hours, weekly, and but for that change the later weeks would count in computing a period of employment, or would not break the continuity of a period of employment, then those later weeks shall count in computing a period of employment or, as the case may be, shall not break the continuity of a period of employment, notwithstanding that change.
- (2) Not more than twenty-six weeks shall count under this paragraph between any two periods falling under paragraph 4 of this Schedule, and in computing the said figure of twenty-six weeks no account shall be taken of any week which counts in computing a period of employment, or does not break the continuity of a period of employment, otherwise than by virtue of this paragraph.
- 4B (1) An employee whose relations with his employer are governed, or have been from time to time governed, by a contract of employment which normally involves employment for eight hours or more, but less than sixteen hours, weekly shall nevertheless, if he satisfies the condition referred to in the next following sub-paragraph, be treated for the purposes of this Schedule (apart from this paragraph) as if his contract normally involved employment for sixteen hours or more weekly, and had at all times at which there was a contract during the period of employment of five years or more referred to in the next following sub-paragraph normally involved employment for sixteen hours or more weekly.
- (2) The foregoing sub-paragraph shall apply if the employee, on the date by reference to which the length of any period of employment falls to be ascertained in accordance with the provisions of this Schedule, has been continuously employed, within the meaning of the next following sub-paragraph, for a period of five years or more.
- (3) In computing, for the purposes of the foregoing sub-paragraph, an employee's period of employment the provisions of this Schedule (apart

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from this paragraph) shall apply but as if, in paragraphs 3 and 4, for the words "sixteen hours" wherever they occur, there were substituted the words " eight hours ".

- 4C (1) If an employee has, at any time during the relevant period of employment, been continuously employed for a period which qualifies him for any right which requires a qualifying period of continuous employment computed in accordance with this Schedule, then, he shall be regarded for the purposes of qualifying for that right as continuing to satisfy that requirement until the condition referred to in sub-paragraph (3) of this paragraph occurs.
- (2) In this paragraph the relevant period of employment means the period of employment ending on the date by reference to which the length of any period of employment falls to be ascertained which would be continuous (in accordance with the provisions of this Schedule) if at all relevant times the employee's relations with the employer had been governed by a contract of employment which normally involved employment for sixteen hours or more weekly.
- (3) The condition which defeats the operation of sub-paragraph (1) of this paragraph is that in a week subsequent to the time at which the employee qualified as referred to in that sub-paragraph—
- (a) his relations with his employer are governed by a contract of employment which normally involves employment for less than eight hours weekly ; and
 - (b) he is employed in that week for less than sixteen hours.
- (4) If, in a case in which an employee is entitled to any right by virtue of sub-paragraph (1) of this paragraph, it is necessary for the purpose of ascertaining the amount of his entitlement to determine for what period he has been continuously employed, he shall be regarded for that purpose as having been continuously employed throughout the relevant period.”.

15 In paragraph 5(1) of Schedule 1 after paragraph (c) insert the following paragraph:

—
 “or

- (d) absent from work wholly or partly because of pregnancy or confinement," and for the words " or paragraph 4 " substitute the words " , 4 or 4A."

16 In paragraph 5(2) of Schedule 1, after the words "paragraph (c)" insert the words " or, subject to paragraph 5A below, paragraph (a) ", and for the words " two periods falling under paragraphs 3 and 4 " substitute the words " periods falling under paragraph 3, 4 or 4A ".

17 After paragraph 5 of Schedule 1, insert the following paragraph:—

“5A If an employee returns to work in accordance with section 49 of the Employment Protection Act 1975 after a period of absence from work wholly or partly occasioned by pregnancy or confinement, every week during that period shall count in computing a period of employment, notwithstanding that it does not fall under paragraph 3, 4 or 4A of this Schedule.”.

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18 In paragraph 6(1) of Schedule 1, for the words "paragraph 4 or paragraph 5 ",
substitute the words " 4, 4A, 5, or 5A ".

19 For paragraph 10 of Schedule 1, substitute the following paragraph:—

“10 (1) If an employee of an employer is taken into the employment of another employer who, at the time when the employee enters his employment is an associated employer of the first mentioned employer, the employee's period of employment at that time shall count as a period of employment with the second mentioned employer and the change of employer shall not break the continuity of the period of employment.

(2) For the purposes of this paragraph, any two employers are to be treated as associated if one is a company of which the other (directly or indirectly) has control, or if both are companies of which a third person (directly or indirectly) has control; and the expression " associated employer" shall be construed accordingly.”.

PART III

TRADE UNION AND LABOUR RELATIONS ACT 1974

1 In sections 8 and 11, and in Schedule 2, for the words "Registrar of Friendly Societies" and "Registrar" wherever they occur substitute the words " Certification Officer ".

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.”.

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.”.

4 In section 8(9), for the words from "Chief Registrar" to the end of the subsection substitute the words " Certification Officer under paragraph 13(2) of Schedule 1 to the Employment Protection Act 1975. ".

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.

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- 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 subsections:—
- “(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.”
- 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;”.
- (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 ;”.
- 8 In paragraph 5(3) of Schedule 1 (meaning of dismissal), omit the words " obligatory " and " in writing ”.
- 9 Omit paragraph 5(4) of Schedule 1.
- 10 After paragraph 5(5) of Schedule 1 insert the following sub-paragraph—
- “(6) Where the notice required to be given by an employer by section 1(1) of the Contracts of Employment Act 1972 (minimum period of notice) would, if duly given when notice of termination was given by the employer, or (where no notice was given) when the contract of employment was terminated by the employer, expire on a date later than the effective date of termination as defined by sub-paragraph (5) above,

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that later date shall be treated as the effective date of termination in relation to the dismissal for the purposes of paragraph 10(a) below and of sections 70(2), 74(3) and 75(6) of the Employment Protection Act 1975 (written statement of reasons for dismissal and calculation of basic award of compensation for unfair dismissal).”.

- 11 After paragraph 6(4) of Schedule 1, insert the following sub-paragraph:—
- “(4A) In sub-paragraph (4) above, " appropriate time" in relation to an employee taking part in the activities of a trade union, means time which either—
- (a) is outside his working hours, or
 - (b) is a time within his working hours at which, in accordance with arrangements agreed with or consent given by his employer, it is permissible for him to take part in those activities;
- and in this sub-paragraph "working hours", in relation to an employee, means any time when, in accordance with his contract of employment, he is required to be at work.”.
- 12 After paragraph 6(5) of Schedule 1 (dismissal in closed shop situation), insert the following sub-paragraph:—
- “(5A) For the purposes of sub-paragraph (5) above a union shall be treated as specified for the purposes of or in relation to a union membership agreement (in a case where it would not otherwise be so treated) if—
- (a) the Service has made a recommendation for recognition covering the employee in question which is operative within the meaning of section 15 of the Employment Protection Act 1975 ; or
 - (b) the union has referred a recognition issue (within the meaning of that Act) covering that employee to the Advisory, Conciliation and Arbitration Service under section 11 of that Act and the Service has not declined to proceed on the reference under section 12 of that Act, the union has not withdrawn the reference, or from the reference, and the issue has not been settled or reported on under that section.”.

13 For paragraphs 7 and 8 of Schedule 1 (dismissal in connection with industrial action) substitute the following paragraph:—

“7 (1) The provisions of this paragraph shall have effect in relation to an employee who claims that he has been unfairly dismissed by his employer where at the date of dismissal—

 - (a) the employer was conducting or instituting a lock-out; or
 - (b) the employee was taking part in a strike or other industrial action.

(2) In such a case an industrial tribunal shall not determine whether the dismissal was fair or unfair unless it is shown—

 - (a) that one or more relevant employees of the same employer have not been dismissed, or
 - (b) that one or more such employees have been offered re-engagement, and that the employee concerned has not been offered re-engagement.

(3) Where it is shown that the condition referred to in paragraph (b) of sub-paragraph (2) above is fulfilled, the provisions of paragraph 6 above and

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of section 34 of the Employment Protection Act 1975 shall have effect as if in that paragraph and that section for any reference to the reason or principal reason for which the employee was dismissed there were substituted a reference to the reason or principal reason for which he has not been offered re-engagement.

(4) Paragraph 21(4) below shall apply in relation to a complaint to which sub-paragraph (3) above applies as if for references to the effective date of termination there were substituted a reference to the first date on which any relevant employee was offered re-engagement.

(5) In this paragraph—

- (a) " date of dismissal " means—
 - (i) where the employee's contract of employment was terminated by notice, the date on which the employer's notice was given, and
 - (ii) in any other case, the effective date of termination.
- (b) " relevant employees " means—
 - (i) in relation to a lock-out, employees who were directly interested in the trade dispute in contemplation or furtherance of which the lock-out occurred, and
 - (ii) in relation to a strike or other industrial action, employees who took part in it; and
- (c) any reference to an offer of re-engagement is a reference to an offer (made either by the original employer or by a successor of that employer or an associated employer) to re-engage an employee, either in the job which he held immediately before the date of dismissal or in a different job which would be reasonably suitable in his case.”.

14 (1) In paragraph 9(1) of Schedule 1—

- (a) omit paragraph (a);
- (b) in paragraph (b), omit the words " or a close relative "; and
- (c) omit paragraphs (e) and (f).

(2) Omit paragraph 9(4) of Schedule 1.

15 In paragraph 11(1) of Schedule 1 for the words "Paragraphs 9(1) (a) and 10 " substitute the words " Paragraph 10 " .

16 In paragraph 17(1) of Schedule 1 omit the words " or by a person acting on the employer's behalf " (which are unnecessary).

17 For paragraph 20 of Schedule 1 substitute the following paragraph:—

“20 (1) The amount of compensation awarded to a person under section 72(1) of the Employment Protection Act 1975 or of a compensatory award to a person calculated in accordance with section 76 of that Act shall not exceed £5,200.

(2) The Secretary of State may by order increase the said limit of £5,200 or that limit as from time to time increased under this sub-paragraph, but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

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(3) It is hereby declared for the avoidance of doubt that the limit imposed by this paragraph applies to the amount which the industrial tribunal would, apart from this paragraph, otherwise award in respect of the subject matter of the complaint after taking into account any payment made by the respondent to the complainant in respect of that matter and any reduction in the amount of the award required by any enactment or rule of law.

(4) Section 123 of the Employment Protection Act 1975 shall apply to this paragraph as if it were a provision of that Act.”.

18 In paragraph 21(3) of Schedule 1, after the words "paragraph 17 above " insert the words " or any other enactment in relation to which there is provision for conciliation, " .

19 After paragraph 21(3) of Schedule 1 insert the following sub-paragraph:—

“(3A) In relation to proceedings under paragraph 17 above—

- (a) where the employee has expressed a wish to be re-instated or re-engaged which has been communicated to the employer at least seven days before the hearing of the complaint; or
- (b) where the proceedings arise out of the employer's failure to permit the employee to return to work after an absence due to pregnancy or confinement,

regulations shall include provision for requiring the employer to pay the costs or expenses of any postponement or adjournment of the hearing caused by his failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the complainant was dismissed, or, as the case may be which she held before her absence, or of comparable or suitable employment.”.

20 In paragraph 21(4) of Schedule 1 at the beginning insert the words " Subject to sub-paragraph (4A) below ", and for the word "within" in the second place in which it occurs substitute the words " before the end of " .

21 After paragraph 21(4) of Schedule 1 insert the following sub-paragraph:—

“(4A) An industrial tribunal shall consider a complaint under paragraph 17 of Schedule 1 above if, where the dismissal is with notice, the complaint is presented after the notice is given notwithstanding that it is presented before the effective date of termination and in relation to such a complaint the provisions of this Act and of the Employment Protection Act 1975, so far as they relate to unfair dismissal, shall have effect—

- (a) as if references to a complaint by a person that he was unfairly dismissed by his employer included references to a complaint by a person that his employer has given him notice in such circumstances that he will be unfairly dismissed when the notice expires ;
- (b) as if references to reinstatement included references to the withdrawal of the notice by the employer ;
- (c) as if references to the effective date of termination included references to the date which would be the effective date of termination on the expiry of the notice ; and

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- (d) as if references to an employee ceasing to be employed included references to an employee having been given notice of dismissal.”.
- 22 In paragraph 21(5) of Schedule 1, in paragraph (c) for the words "be seriously prejudicial to the interests of" substitute the words " cause substantial injury to ".
- 23 After paragraph 21(5) of Schedule 1 insert the following sub-paragraph :—
- “(5A) The regulations may include provision authorising or requiring an industrial tribunal, in circumstances specified in the regulations, to send notice or a copy of any document so specified relating to any proceedings before the tribunal, or of any decision, order or award of the tribunal, to any Minister, government department or other person or body so specified.”.
- 24 In paragraph 26(3) of Schedule 1—
- (a) in paragraph (a) omit the words " his engagement " ;
- (b) for paragraph (b) substitute:—
- “(b) where the complainant does not wish to be reinstated or re-engaged, or where reinstatement or re-engagement is not practicable,”; and
- (c) for the word " they " substitute the words " the parties " .
- 25 After paragraph 26(4) of Schedule 1 insert the following sub-paragraph :—
- “(4A) In proceeding under sub-paragraphs (2) to (4) above a conciliation officer shall where appropriate have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.”.
- 26 In paragraph 27(1) of Schedule 1, after the words " this Schedule " insert the words " and sections 33, 34, 51 and 71 to 80 of the Employment Protection Act 1975 " .
- 27 In paragraph 27(2) of Schedule 1, for the words from " paragraph 19 " to the end of the sub-paragraph substitute:—
- “(a) section 72(2)(b) of the Employment Protection-Act 1975 shall have effect as if for the words " not practicable to comply " there were substituted the words " not practicable for the local education authority to permit compliance " ; and
- (b) section 76(5) of the said Act of 1975 shall have effect as if any reference to the employer were a reference to the local education authority.”.
- 28 In paragraph 28(2) of Schedule 1 for the word "claimant" substitute the word " complainant " .
- 29 After paragraph 30(1) of Schedule 1 insert the following sub-paragraph :—
- “(1A) Where by virtue of paragraph 5(6) above a date is to be treated as the effective date of termination for the purpose of paragraph 10(a) above which is later than the effective date of termination as defined by paragraph 5(5) above, then in determining for the purpose of paragraph 10(a) above for what period an employee has been continuously employed, the period of the interval between those two dates shall count as a period of employment notwithstanding that it does not count under the said Schedule 1.”.

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- 30 In paragraph 30(3) of Schedule 1, for the words from "section 24 " to the end of the sub-paragraph substitute—
- “sections 24 and 24A of the Redundancy Payments Act 1965 (which require the continuity of a period of employment to be treated as broken for the purposes of that Act where a redundancy payment or an equivalent payment is paid to an employee and he is subsequently re-engaged) subject to the recovery of any such payment, in cases where, in consequence of action to which sub-paragraph (4) below applies, a dismissed employee is re-instated or re-engaged by his employer or by a successor or associated employer of that employer.”.
- 31 In paragraph 31(1)(b) of Schedule 1 (nominations by members of trade unions) for the words " £500 " substitute the words " £1,500 ".
- 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.”.
- 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 ".
- 34 After paragraph 33(4) of Schedule 1, insert the following sub-paragraph:—
- “(4A) For the purposes of the application of the provisions of this Act in relation to employment by any such body as is referred to in sub-paragraph (4)(a) above, any reference to redundancy shall be construed as a reference to the existence of such circumstances as, in accordance with any arrangements for the time being in force as mentioned in section 41(3) of the Redundancy Payments Act 1965, are treated as equivalent to redundancy in relation to such employment.”.
- 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 Industrial Relations Act 1971 and continued in force, so far as the 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 Industrial Courts Act 1919.

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PART IV

MISCELLANEOUS AMENDMENTS

House of Commons Offices Act 1846 (c. 77)

- 1 In section 5 of the House of Commons Offices Act 1846, after the words " the said first-recited Act" insert the words " , the Employment Protection Act 1975, ".

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.”.

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.
- (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) For section 8 substitute—

“8 Interpretation.

In this Act the expressions " trade dispute" and " worker " have the same meaning as in the Trade Union and Labour Relations Act 1974.”.

(4) For section 10 substitute—

“10 Employment under the Crown.

- (1) Subject to the following provisions of this 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 section, 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.”.

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.

Civil Aviation Act 1949 (c. 67)

- 5 In section 15 of the Civil Aviation Act 1949 in subsection (2) for the word " Minister " substitute the words " Advisory, Conciliation and Arbitration Service ", and in subsections (2) and (3) for the words " Industrial Court " and " Court " wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee."

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Public Records Act 1958 (c. 51)

- 6 In Part II of the Table at the end of paragraph 3(2) of Schedule 1 to the Public Records Act 1958 insert at the appropriate place in alphabetical order the following entry—
“Commission on Industrial Relations.”.

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 ".

Films Act 1960 (c. 57)

- 8 In section 42 of the Films Act 1960 for the words " Minister of Labour" substitute the words " Advisory, Conciliation and Arbitration Service " and for the words " industrial court" and " court" wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee ".

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.”.

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.

Status: This is the original version (as it was originally enacted).

(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.”.

Remuneration of Teachers Act 1965 (c. 3)

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.

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.

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 3, 4, 5, 7 and 10, 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 4, 5 and 10 for the word "Board" (being a word so substituted), wherever it occurs except in the expression "Agricultural Wages Board", substitute the word "Committee".

(4) In section 3(1), for the words "Part I of the Industrial Courts Act 1919" there shall be substituted the words "section 10 of the Employment Protection Act 1975".

Status: This is the original version (as it was originally enacted).

- (5) In section 3(2), for paragraph (b) substitute the following paragraph—
- “(b) if an award or determination is, or has been, made under any enactment requiring an employer to observe the collective agreement, that award or determination shall have effect by reference to the agreement as so amended.”
- (6) In section 4, in subsections (1) and (2), for the words " wages regulation order " wherever they occur there shall be substituted the words " order under section 11 of the Wages Council Act 1959 ".
- (7) In section 4(1) for the words from "the Secretary of State" in the second place where they occur to the end there shall be substituted the words " it shall be the duty of the wages council or statutory joint industrial council, by a further order coming into operation not later than five months after the date of the Committee's decision, either to make those amendments in the order referred to by the Committee or otherwise to replace or amend that order so as to remove the discrimination. ".
- (8) In section 4, after subsection (1) there shall be inserted the following subsection—
- “(1A) Where a wages council or statutory joint industrial council certifies that the effect of an order under section 11 of the Wages Councils Act 1959 is only to make such amendments of a previous order as have under this section been declared by the Central Arbitration Committee to be needed, or to make such amendments as aforesaid with minor modifications or modifications of limited application, or is only to revoke and reproduce with such amendments a previous order, then the wages council or statutory joint industrial council may instead of complying with subsections (3) and (3A) of the said section 11 give notice of the proposed order in such manner as appears to the council expedient in the circumstances, and may make the order at any time after the expiration of seven days from the giving of the notice.”.
- (9) In section 4, for subsection (2) there shall be inserted the following subsection—
- “(2) An order under section 11 of the Wages Councils Act 1959 shall be referred to the Central Arbitration Committee under this section if the Secretary of State is requested so to refer it either—
- (a) by an employers' association for the time being entitled to nominate for membership of the wages council or statutory joint industrial council in question persons representing employers (or, if provision is made for any of the persons representing employers to be elected instead of nominated, then by a member or members representing employers); or
- (b) by a trade union for the time being entitled to nominate for membership of the wages council or statutory joint industrial council in question persons representing workers (or, if provision is made for any of the persons representing workers to be elected instead of nominated, then by a member or members representing workers);
- or if in any case it appears to the Secretary of State that the order may be amendable under this section.”.
- (10) In section 4(3), after the words "12(1)" wherever they occur there shall be inserted the words " or (1A) ", and for the words "11(7)" there shall be substituted the words " 11(8) ".

Status: This is the original version (as it was originally enacted).

(11) Section 4(4) is hereby repealed.

Tribunals and Inquiries Act 1971 (c. 62)

14 Section 13 of the Tribunals and Inquiries Act 1971 (which, among other things, makes provision for appeals from and the statement of cases by industrial tribunals to the High Court or the Court of Session) shall, in its application to industrial tribunals, be taken as referring to those tribunals only when exercising jurisdiction other than under the Acts referred to in section 88(1) above.

Independent Broadcasting Authority Act 1973 (c. 19)

15 In section 16 of the Independent Broadcasting Authority Act 1973 for the words " Secretary of State " wherever they occur substitute the words " Advisory, Conciliation and Arbitration Service " and for the words " Industrial Arbitration Board" and " Board" wherever they occur substitute respectively the words " Central Arbitration Committee " and " Committee ".

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 1 (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.”

“The Employment Service Agency.”

“The Training Services Agency.”

(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.”

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.”.

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.

Status: This is the original version (as it was originally enacted).

- (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 Equal Pay Act 1970 as set out in Part II of Schedule 1 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.