



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Excluded classes of employment*

<sup>F1</sup>281 .....

#### Textual Amendments

<sup>F1</sup> S. 281 repealed (6.2.1995) by S.I. 1995/31, regs. 5, 6, Sch.

#### [<sup>F2</sup>282 Fixed term employment

- (1) In this section, “fixed term contract” means a contract of employment that, under its provisions determining how it will terminate in the normal course, will terminate—
  - (a) on the expiry of a specific term,
  - (b) on the completion of a particular task, or
  - (c) on the occurrence or non-occurrence of any other specific event other than the attainment by the employee of any normal and bona fide retiring age in the establishment for an employee holding the position held by him.
- (2) The provisions of Chapter II of Part IV (procedure for handling redundancies) do not apply to employment under a fixed term contract unless—
  - (a) the employer is proposing to dismiss the employee as redundant; and

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- (b) the dismissal will take effect before the expiry of the specific term, the completion of the particular task or the occurrence or non-occurrence of the specific event (as the case may be).]

#### Textual Amendments

- F2** S. 282 substituted (with application in accordance with art. 2 of the amending S.I.) by [The Trade Union and Labour Relations \(Consolidation\) Act 1992 \(Amendment\) Order 2013 \(S.I. 2013/763\)](#), arts. 1, [3\(4\)](#)

<sup>F3</sup>**283** .....

#### Textual Amendments

- F3** S. 283 repealed (30.8.1993) by [1993 c. 19, s. 51, Sch.10](#); S.I. 1993/1908, art. 2(1), [Sch. 1](#)

### **284 Share fishermen.**

The following provisions of this Act do not apply to employment as master or as member of the crew of a fishing vessel where the employee [<sup>F4</sup>(or, in the case of sections 145A to 151, the worker)] is remunerated only by a share in the profits or gross earnings of the vessel—

In Part III (rights in relation to trade union membership and activities)—

sections 137 to 143 (access to employment),

[<sup>F5</sup>sections 145A to 151 (inducements and detriment)], and

sections 168 to 173 (time off for trade union duties and activities;

<sup>F6</sup>  
...

#### Textual Amendments

- F4** Words in s. 284 inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 16\(1\)](#); S.I. 2004/2566, art. 3(b) (with arts. 4-8)
- F5** Words in s. 284 substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 16\(2\)](#); S.I. 2004/2566, art. 3(b) (with arts. 4-8)
- F6** Words in s. 284 omitted (13.4.2018) by virtue of [The Seafarers \(Insolvency, Collective Redundancies and Information and Consultation Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/407\)](#), regs. 1(1), [3\(2\)](#) (with reg. 3(3))

### **285 Employment outside Great Britain.**

- (1) The following provisions of this Act do not apply to employment where under his contract of employment an employee works, or in the case of a prospective employee would ordinarily work, outside Great Britain—

In Part III (rights in relation to trade union membership and activities)—

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sections 137 to 143 (access to employment),

[<sup>F7</sup>sections 145A to 151 (inducements and detriment)], and

sections 168 to 173 (time off for trade union duties and activities;

In Part IV, [<sup>F8</sup>sections [<sup>F9</sup>193 to 194] (duty to notify Secretary of State of certain redundancies)].

[<sup>F10</sup>(1A) Sections 145A to 151 do not apply to employment where under his contract personally to do work or perform services a worker who is not an employee works outside Great Britain.]

[<sup>F11</sup>(1B) For the purposes of subsection (1) as it relates to sections 193 to 194, employment on board a ship registered in the United Kingdom shall be treated as employment where under his contract a person ordinarily works in Great Britain.]

(2) For the [<sup>F12</sup>other purposes of subsection (1) and the purposes of subsection (1A)] employment on board a ship registered in the United Kingdom shall be treated as employment where under his contract a person ordinarily works in Great Britain unless—

- (a) the ship is registered at a port outside Great Britain, or
- (b) the employment is wholly outside Great Britain, or
- (c) the employee or, as the case may be, [<sup>F13</sup>the worker or] the person seeking employment or seeking to avail himself of a service of an employment agency, is not ordinarily resident in Great Britain.

#### Textual Amendments

- F7** Words in s. 285(1) substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 17\(2\)](#); S.I. 2004/2566, [art. 3\(b\)](#) (with arts. 4-8)
- F8** Words in s. 285(1) substituted (25.10.1999) by 1999 c. 26, [s. 32\(1\)](#); S.I. 1999/2830, [art. 2\(1\) Sch. 1 Pt. I](#) (with [Sch. 3 para. 7](#))
- F9** Words in s. 285(1) substituted (6.2.2018) by [The Seafarers \(Transnational Information and Consultation, Collective Redundancies and Insolvency Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/26\)](#), regs. 1(1), [3\(3\)\(a\)](#) (with [reg. 3\(4\)](#))
- F10** S. 285(1A) inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 17\(3\)](#); S.I. 2004/2566, [art. 3\(b\)](#) (with arts. 4-8)
- F11** S. 285(1B) inserted (6.2.2018) by [The Seafarers \(Transnational Information and Consultation, Collective Redundancies and Insolvency Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/26\)](#), regs. 1(1), [3\(3\)\(b\)](#) (with [reg. 3\(4\)](#))
- F12** Words in s. 285(2) substituted (6.2.2018) by [The Seafarers \(Transnational Information and Consultation, Collective Redundancies and Insolvency Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/26\)](#), regs. 1(1), [3\(3\)\(c\)](#) (with [reg. 3\(4\)](#))
- F13** Words in s. 285(2)(c) inserted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 17\(4\)\(b\)](#); S.I. 2004/2566, [art. 3\(b\)](#) (with arts. 4-8)

## 286 Power to make further provision as to excluded classes of employment.

(1) This section applies in relation to the following provisions—

In Part III (rights in relation to trade union membership and activities), [<sup>F14</sup>sections 145A to 151 (inducements and detriment)],

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In Part IV, Chapter II (procedure for handling redundancies), and

In Part V (industrial action), section 237 (dismissal of those taking part in unofficial industrial action).

(2) The Secretary of State may by order made by statutory instrument provide that any of those provisions—

- (a) shall not apply to persons or to employment of such classes as may be prescribed by the order, or
- (b) shall apply to persons or employments of such classes as may be prescribed by the order subject to such exceptions and modifications as may be so prescribed,

and may vary or revoke any of the provisions of sections 281 to 285 above (excluded classes of employment) so far as they relate to any such provision.

(3) Any such order shall be made by statutory instrument and may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.

(4) 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.

#### Textual Amendments

**F14** Words in s. 286(1) substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 18](#); S.I. 2004/2566, [art. 3\(b\)](#) (with arts. 4-8)

**Changes to legislation:**

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

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

- s. 212A(1)(zb) inserted by [2023 c. 46 Sch. para. 1](#)