Status: *Point in time view as at 22/08/1996.*
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SCHEDULES

SCHEDULE 7

Section 49(1).

MISCELLANEOUS AMENDMENTS

Unfair selection for dismissal in redundancy cases:exclusion of qualifying conditions

1 In section 154 of the 1992 Act (exclusion of requirement for qualifying period of employment, etc where reason for dismissal related to trade union membership or activities)—

(a) for the words was one of those specified in section 152(1) there shall be substituted the words " or, in a redundancy case, for selecting the employee for dismissal, was an inadmissible reason. ", and

(b) there shall be inserted after those words, as subsection (2), the following—

"(2) For the purposes of this section—

"inadmissible", in relation to a reason, means that it is one of those specified in section 152(1); and

"a redundancy case" means a case where the reason or principal reason for the dismissal was that the employee was redundant but the equal application of the circumstances to non-dismissed employees required by section 153(a) is also shown.", and the words preceding that subsection (2) shall become subsection (1).

Qualifying period for unfair dismissal protection: small businesses

[F1]2 . . . . . .

Textual Amendments

F1 Sch. 7 paras. 2-5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Application of 1978 Act to Crown Employment and House of Commons Staff

[F2]3 . . . . . .

Textual Amendments

F2 Sch. 7 paras. 2-5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

[F3]4 . . . . . .

Textual Amendments

F3 Sch. 7 paras. 2-5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Restrictions on disclosure of information, etc on grounds of national security

[F4]5 . . . . . .

Textual Amendments

F4 Sch. 7 paras. 2-5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

[F5]6 . . . . . .

Textual Amendments

F5 Sch. 7 para. 6 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

[F6]7 . . . . . .

Textual Amendments

F6 Sch. 7 para. 7 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

Extension of employment protection provisions and related legislation to House of Lords Staff

8 In section 1 of the [M1]Equal Pay Act 1970 (requirement of equal treatment for men and women), after subsection (10A) there shall be inserted—

"(10B) This section applies in relation to employment as a relevant member of the House of Lords staff as in relation to other employment.

In this subsection "relevant member of the House of Lords staff" has the same meaning as in section 139A of the [M2]Employment Protection (Consolidation) Act 1978; and subsection (6) of that section applies for the purposes of this section.".

Marginal Citations

M1 1970 c. 41.
M2 1978 c. 44.

9 After section 85A of the [M3]Sex Discrimination Act 1975 (application to House of Commons staff) there shall be inserted—

"**85B Application to House of Lords staff.**

(1) Parts II and IV apply in relation to employment as a relevant member of the House of Lords staff as they apply in relation to other employment.

(2) In this section "relevant member of the House of Lords staff" has the same meaning as in section 139A of the [M4]Employment Protection (Consolidation) Act 1978; and subsection (6) of that section applies for the purposes of this section.".

Marginal Citations

M3 1975 c. 65.

M4 1978 c. 44.

10 After section 75A of the [M5]Race Relations Act 1976 (application to House of Commons staff) there shall be inserted—

"**75B Application to House of Lords staff.**

(1) Parts II and IV apply in relation to employment as a relevant member of the House of Lords staff as they apply in relation to other employment.

(2) In this section "relevant member of the House of Lords staff" has the same meaning as in section 139A of the Employment Protection (Consolidation) Act 1978; and subsection (6) of that section applies for the purposes of this section.".

Marginal Citations

M5 1976 c. 74.

[F7]11 . . . . . .

Textual Amendments

F7 Sch. 7 para. 11 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

12 In section 277 of the 1992 Act (House of Lords staff)—

(a) in subsection (1), for the words Sections 137 to 143 (rights in relation to trade union membership: access to employment) there shall be substituted the words " The provisions of this Act (except those specified below) ",

(b) after that subsection there shall be inserted—

"(1A) The following provisions are excepted from subsection (1)—

sections 184 and 185 (remedy for failure to comply with declaration as to disclosure of information),

Chapter II of Part IV (procedure for handling redundancies).",

(c) in subsection (2), after the word bringing there shall be inserted the words " a civil employment claim before the court or from bringing ",

(d) after that subsection there shall be inserted—

"(2A) For the purposes of the application of the other provisions of this Act as they apply by virtue of this section—

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(a) the reference in section 182(1)(e) (disclosure of information for collective bargaining: restrictions) to a person's undertaking shall be construed as a reference to the national interest or, if the case so requires, the interests of the House of Lords; and

(b) any other reference to an undertaking shall be construed as a reference to the House of Lords.", and

(e) for subsections (3) to (6) there shall be substituted—

"(3) In this section—

"relevant member of the House of Lords staff" means any person who is employed under a contract of employment with the Corporate Officer of the House of Lords;

"civil employment claim" means a claim arising out of or relating to a contract of employment or any other contract connected with employment, or a claim in tort arising in connection with a person's employment; and

"the court" means the High Court or a county court.".

Power to extend 1978 Act in certain health and safety cases

[F8]13 . . . . . .

Textual Amendments

F8 Sch. 7 para. 13 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Power to provide for continuity of employment following reinstatement or re-engagement

[F9]14 . . . . . .

Textual Amendments

F9 Sch. 7 para. 14 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Codes of practice on employment : use in proceedings

15 In section 56A of the Sex Discrimination Act 1975 (codes of practice in the field of employment), in subsection (10) (relevance of codes in proceedings under that Act before industrial tribunals), after the words under this Act there shall be inserted the words " or the [M6]Equal Pay Act 1970 ".

Marginal Citations

M6 1970 c. 41.

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Parliamentary procedure: orders modifying application of redundancy provisions

[F10]16 . . . . . .

Textual Amendments

F10 Sch. 7 para. 16 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Miscellaneous minor corrections and amendments

17 In section 21(6) of the 1992 Act (repudiation by trade union of certain acts) for the words six months there shall be substituted the words " three months ".

18 In section 34(5) of the 1992 Act (eligibility for appointment as auditor), the second sentence shall be omitted.

19 In section 35(5) of the 1992 Act (appointment and removal of auditors)—

(a) for the words subsections (1) to (6) there shall be substituted the words " subsections (1) to (4) ", and

(b) for the words subsection (7) there shall be substituted the words " subsection (5) ".

20 In section 110(3) of the 1992 Act (consideration by Commissioner of application for assistance for certain legal proceedings) for the word (f) there shall be substituted the word " (e) " and for the words or ballot there shall be substituted the words " or political ballot ".

21 In section 158 of the 1992 Act (special award in cases of dismissal on grounds related to union membership or activities) after subsection (6) there shall be inserted—

"(7) Schedule 14 to the [M7]Employment Protection (Consolidation) Act 1978 (calculation of a week's pay) shall apply for the purposes of this section with the substitution, for paragraph 7, of the following:—

For the purposes of this Part in its application to section 158 of the [M8]Trade Union and Labour Relations (Consolidation) Act 1992, the calculation date is—

(a) where the dismissal was with notice, the date on which the employer's notice was given;

(b) where paragraph (a) does not apply, the effective date of termination.".

Marginal Citations

M7 1978 c. 44.

M8 1992 c. 52.

22 In section 166(1) of the 1992 Act (consequences of failure to comply with order of reinstatement or re-engagement), for (5)(a) there shall be substituted " (5) ".

23 In section 187(2) of the 1992 Act (meaning of refusal to deal where refusal on grounds of union exclusion), paragraph (c) shall become subparagraph,

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"(iii)" of paragraph (b) and there shall be inserted as paragraph (c) the following, preceded by " or ", namely—

"(c) he terminates a contract with that person for the supply of goods or services.".

24 In section 228 of the 1992 Act (separate workplace ballots before action by trade union) after subsection (3) there shall be inserted—

"(4) In this section "place of work", in relation to any person who is employed, means the premises occupied by his employer at or from which that person works or, where he does not work at or from any such premises or works at or from more than one set of premises, the premises occupied by his employer with which his employment has the closest connection.".

25 In section 229(3) of the 1992 Act (voting paper for industrial action ballot) for the word 20(3) there shall be substituted the word " 20(2) ".

26 In section 246 of the 1992 Act (minor definitions relating to industrial action provisions) the definition of "place of work" shall be omitted.

27 In section 278(4)(c) of the 1992 Act (House of Commons staff), after the word in there shall be inserted the word " section ".

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