



Employment Tribunals Act 1996

1996 CHAPTER 17

PART III

SUPPLEMENTARY

Crown employment and Parliamentary staff

38 Crown employment.

- (1) This Act has effect in relation to Crown employment and persons in Crown employment as it has effect in relation to other employment and other employees.
- (2) In this Act “Crown employment” means employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by a statutory provision.
- (3) For the purposes of the application of this Act in relation to Crown employment in accordance with subsection (1)—
 - (a) references to an employee shall be construed as references to a person in Crown employment, and
 - (b) references to a contract of employment shall be construed as references to the terms of employment of a person in Crown employment.
- (4) Subsection (1) applies to—
 - (a) service as a member of the naval, military or air forces of the Crown, and
 - (b) employment by an association established for the purposes of Part XI of the ^{MI}Reserve Forces Act 1996;

but Her Majesty may by Order in Council make any provision of this Act apply to service as a member of the naval, military or air forces of the Crown subject to such exceptions and modifications as may be specified in the Order in Council.

Changes to legislation: Employment Tribunals Act 1996, Cross Heading: Crown employment and Parliamentary staff is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Marginal Citations

M1 1996 c. 14.

39 Parliamentary staff.

- (1) This Act has effect in relation to employment as a relevant member of the House of Lords staff or a relevant member of the House of Commons staff as it has effect in relation to other employment.
- (2) Nothing in any rule of law or the law or practice of Parliament prevents a relevant member of the House of Lords staff or a relevant member of the House of Commons staff from bringing before an [^{F1}employment tribunal] proceedings of any description which could be brought before such a tribunal by a person who is not a relevant member of the House of Lords staff or a relevant member of the House of Commons staff.
- (3) For the purposes of the application of this Act in relation to a relevant member of the House of Commons staff—
 - (a) references to an employee shall be construed as references to a relevant member of the House of Commons staff, and
 - (b) references to a contract of employment shall be construed as including references to the terms of employment of a relevant member of the House of Commons staff.
- (4) In this Act “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.
- (5) In this Act “relevant member of the House of Commons staff” has the same meaning as in section 195 of the ^{M2}Employment Rights Act 1996; and (subject to an Order in Council under subsection (12) of that section)—
 - (a) subsections (6) and (7) of that section have effect for determining who is the employer of a relevant member of the House of Commons staff for the purposes of this Act, and
 - (b) subsection (8) of that section applies in relation to proceedings brought by virtue of this section.

Textual Amendments

F1 Words in s. 39(2) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), [Sch. 1](#)

Marginal Citations

M2 1996 c. 18.

Changes to legislation:

Employment Tribunals Act 1996, Cross Heading: Crown employment and Parliamentary staff is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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. 7A(2F) inserted by [2022 c. 35 Sch. 4 para. 1\(2\)](#)
- s. 7B(A1) inserted by [2022 c. 35 Sch. 5 para. 4\(2\)](#)
- s. 9(2ZA) inserted by [2022 c. 35 Sch. 5 para. 5\(5\)](#)
- s. 9(5) inserted by [2022 c. 35 Sch. 5 para. 5\(9\)](#)
- s. 10(10) inserted by [2022 c. 35 Sch. 5 para. 6\(4\)](#)
- s. 29A(11) inserted by [2022 c. 35 Sch. 4 para. 1\(3\)](#)
- s. 30A inserted by [2022 c. 35 Sch. 5 para. 19](#)
- s. 37QA and cross-heading inserted by [2022 c. 35 s. 34\(4\)](#)
- s. 37QB inserted by [2022 c. 35 Sch. 5 para. 24](#)
- s. 41(1A) inserted by [2022 c. 35 Sch. 5 para. 25\(2\)](#)
- s. 41(5) inserted by [2022 c. 35 Sch. 5 para. 25\(4\)](#)
- Sch. A1 para. 21A inserted by [2022 c. 35 Sch. 4 para. 1\(4\)](#)
- Sch. A1 inserted by [2022 c. 35 Sch. 5 para. 1](#)