



# Employment Tribunals Act 1996

## 1996 CHAPTER 17

### PART III

#### SUPPLEMENTARY

##### *General*

#### 42 Interpretation.

- (1) In this Act [<sup>F1</sup> (except where otherwise expressly provided)] —
- [<sup>F2</sup>“ACAS” means the Advisory, Conciliation and Arbitration Service,]
  - “the Appeal Tribunal” means the Employment Appeal Tribunal,
  - “Appeal Tribunal procedure rules” shall be construed in accordance with section 30(1),
  - “appointed member” shall be construed in accordance with section 22(1) (c),
  - [<sup>F3</sup>“Certification Officer” shall be construed in accordance with section 254 of the Trade Union and Labour Relations (Consolidation) Act 1992,]
  - “conciliation officer” means an officer designated by [<sup>F4</sup>ACAS] under section 211 of the <sup>M1</sup>Trade Union and Labour Relations (Consolidation) Act 1992,
  - “contract of employment” means a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing,
  - “employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment,
  - “employer”, in relation to an employee, means the person by whom the employee is (or, where the employment has ceased, was) employed,
  - “employers’ association” has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992,
  - “employment” means employment under a contract of employment and “employed” shall be construed accordingly,

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“<sup>F5</sup>employment tribunal] procedure regulations” shall be construed in accordance with section 7(1),

<sup>F6</sup>“representative” shall be construed in accordance with section 6(1) (in Part 1) or section 29(1) (in Part 2),]

“statutory provision” means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act, whether of a general or special nature,

“successor”, in relation to the employer of an employee, means (subject to subsection (2)) a person who in consequence of a change occurring (whether by virtue of a sale or other disposition or by operation of law) in the ownership of the undertaking, or of the part of the undertaking, for the purposes of which the employee was employed, has become the owner of the undertaking or part, and

“trade union” has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (2) The definition of “successor” in subsection (1) has effect (subject to the necessary modifications) in relation to a case where—
- (a) the person by whom an undertaking or part of an undertaking is owned immediately before a change is one of the persons by whom (whether as partners, trustees or otherwise) it is owned immediately after the change, or
  - (b) the persons by whom an undertaking or part of an undertaking is owned immediately before a change (whether as partners, trustees or otherwise) include the persons by whom, or include one or more of the persons by whom, it is owned immediately after the change,
- as it has effect where the previous owner and the new owner are wholly different persons.
- (3) For the purposes of this Act any two employers shall be treated as associated if—
- (a) one is a company of which the other (directly or indirectly) has control, or
  - (b) both are companies of which a third person (directly or indirectly) has control;
- and “associated employer” shall be construed accordingly.

#### Textual Amendments

- F1** Words in s. 42(1) inserted (6.4.2016) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 150\(6\)](#), [164\(1\)](#) (with [s. 150\(8\)](#)); [S.I. 2016/321](#), reg. 3(d)
- F2** Words in s. 42(1) inserted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 1 para. 9\(a\)](#); [S.I. 2014/253](#), art. 3(f)
- F3** S. 42(1): definition of "Certification Officer" inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 49\(8\)](#), 59; [S. I. 2005/872](#), [art. 4](#), Sch. (with arts. 5-21)
- F4** Words in s. 42(1) substituted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 1 para. 9\(b\)](#); [S.I. 2014/253](#), art. 3(f)
- F5** Words in s. 42(1) 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](#)
- F6** Words in s. 42(1) inserted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 21\(4\)](#), [103\(2\)](#)

#### Marginal Citations

- M1** [1992 c. 52](#).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 42(1) word omitted by [2022 c. 35 Sch. 5 para. 26\(c\)](#)
- s. 42(1) words inserted by [2022 c. 35 Sch. 5 para. 26\(b\)](#)
- s. 42(1) words inserted by [2022 c. 35 Sch. 5 para. 26\(d\)](#)
- s. 42(1) words omitted by [2022 c. 35 Sch. 5 para. 26\(a\)](#)

**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](#)
- 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](#)