



Industrial Tribunals Act 1996

1996 CHAPTER 17

PART III

SUPPLEMENTARY

General

42 Interpretation

(1) In this Act—

“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),

“conciliation officer” means an officer designated by the Advisory, Conciliation and Arbitration Service under section 211 of the 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,

“industrial tribunal procedure regulations” shall be construed in accordance with section 7(1),

Status: This is the original version (as it was originally enacted).

“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.