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# Employment Rights Act 1996

### **CHAPTER 18**

### **EMPLOYMENT RIGHTS ACT 1996**

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- 1 Statement of initial employment particulars.
- 2 Statement of initial particulars: supplementary.
- 3 Note about disciplinary procedures and pensions.
- 4 Statement of changes.
- 5 Exclusion from rights to statements.
- 6 Reasonably accessible document or collective agreement.
- 7 Power to require particulars of further matters.
- 7A Use of alternative documents to give particulars
- 7B Giving of alternative documents before start of employment

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- 8 Itemised pay statement.
- 9 Standing statement of fixed deductions.
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- 11 References to employment tribunals.
- 12 Determination of references.

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### Deductions by employer

- 13 Right not to suffer unauthorised deductions.
- 14 Excepted deductions.

### Payments to employer

- 15 Right not to have to make payments to employer.
- 16 Excepted payments.

### Cash shortages and stock deficiencies in retail employment

- 17 Introductory.
- 18 Limits on amount and time of deductions.
- 19 Wages determined by reference to shortages etc.
- 20 Limits on method and timing of payments.
- 21 Limit on amount of payments.
- 22 Final instalments of wages.

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- 23 Complaints to employment tribunals.
- 24 Determination of complaints.
- 25 Determinations: supplementary.
- 26 Complaints and other remedies.

### Supplementary

27 Meaning of "wages" etc.

#### PART 2A

#### ZERO HOURS WORKERS

- 27A Exclusivity terms unenforceable in zero hours contracts
- 27B Power to make further provision in relation to zero hours workers

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#### **GUARANTEE PAYMENTS**

- 28 Right to guarantee payment.
- 29 Exclusions from right to guarantee payment.
- 30 Calculation of guarantee payment.
- 31 Limits on amount of and entitlement to guarantee payment.
- 32 Contractual remuneration.
- 33 Power to modify provisions about guarantee payments.
- 34 Complaints to employment tribunals.
- 35 Exemption orders.

### PART IV

### SUNDAY WORKING FOR SHOP AND BETTING WORKERS

### Protected shop workers and betting workers

- 36 Protected shop workers and betting workers.
- 37 Contractual requirements relating to Sunday work.
- 38 Contracts with guaranteed hours.

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### 39 Reduction of pay etc.

### Opting-out of Sunday work

- 40 Notice of objection to Sunday working.
- 41 Opted-out shop workers and betting workers.
- 41A Notice of objection by shop workers to working additional hours on Sunday
- 41B Explanatory statement: persons who become shop workers
- 41C Explanatory statement: shop workers at commencement date
- 41D Failure to give explanatory statement under section 41B or 41C
  - 42 Explanatory statement : betting workers.
  - 43 Contractual requirements relating to Sunday work: opting-out notices.
- 43ZA Contractual requirements relating to working additional hours on Sundays: objection notices
- 43ZB Interpretation

#### PART IVA

#### PROTECTED DISCLOSURES

- 43A Meaning of "protected disclosure".
- 43B Disclosures qualifying for protection.
- 43C Disclosure to employer or other responsible person.
- 43D Disclosure to legal adviser.
- 43E Disclosure to Minister of the Crown.
- 43F Disclosure to prescribed person.
- 43FA Prescribed persons: duty to report on disclosures of information
- 43G Disclosure in other cases.
- 43H Disclosure of exceptionally serious failure.
- 43J Contractual duties of confidentiality.
- 43K Extension of meaning of "worker" etc. for Part IVA.
- 43KA Application of this Part and related provisions to police
  - 43L Other interpretative provisions.

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#### PROTECTION FROM SUFFERING DETRIMENT IN EMPLOYMENT

### Rights not to suffer detriment

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  - 44 Health and safety cases.
  - 45 Sunday working for shop and betting workers.
- 45ZA Sunday working for shop workers: additional hours
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    - 46 Trustees of occupational pension schemes.
    - 47 Employee representatives.
- 47A Employees exercising right to time off work for study or training.
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- 47C Leave for family and domestic reasons.
- 47D Tax credits
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### Enforcement

- 48 Complaints to employment tribunals.
- 49 Remedies.

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Application to police of rights relating to health and safety

49A Application to police of section 44 and related provisions.

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49B Regulations prohibiting discrimination because of protected disclosure

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#### Public duties

- 50 Right to time off for public duties.
- 51 Complaints to employment tribunals.

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- Right to time off to look for work or arrange training.
- Right to remuneration for time off under section 52.
- 54 Complaints to employment tribunals.

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- 55 Right to time off for ante-natal care.
- Right to remuneration for time off under section 55.
- 57 Complaints to employment tribunals.

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- 57ZA Right to time off for ante-natal care (agency workers)
- 57ZB Right to remuneration for time off under section 57ZA
- 57ZC Complaint to employment tribunal: agency workers
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### Accompanying to ante-natal appointments

- 57ZE Right to time off to accompany to ante-natal appointment
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- 57ZG Right to time off to accompany to ante-natal appointment: agency workers
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- 57ZI Agency workers: supplementary

#### Adoption appointments

- 57ZJ Right to paid time off to attend adoption appointments
- 57ZK Right to remuneration for time off under section 57ZJ

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57ZL 57ZM	Right to unpaid time off to attend adoption appointments Complaint to employment tribunal
	Adoption appointments: agency workers
57ZN 57ZO 57ZP 57ZQ 57ZR 57ZS	Right to paid time off to attend adoption appointments: agency workers Right to remuneration for time off under section 57ZN Right to unpaid time off to attend adoption meetings: agency workers Complaint to employment tribunal: agency workers Agency workers: supplementary Placement of looked after children with prospective adopters
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57A 57B	Time off for dependants. Complaint to employment tribunal.
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58 59 60	Right to time off for pension scheme trustees. Right to payment for time off under section 58. Complaints to employment tribunals.
	Employee representatives
61 62 63 63A 63B 63C	Right to time off for employee representatives. Right to remuneration for time off under section 61. Complaints to employment tribunals. Right to time off for young person in Wales or Scotland for study or training. Right to remuneration for time off under section 63A. Complaints to employment tribunals.
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- 64 Right to remuneration on suspension on medical grounds.
- 65 Exclusions from right to remuneration.

### Suspension on maternity grounds

66 Meaning of suspension on maternity grounds.

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- 67 Right to offer of alternative work.
- 68 Right to remuneration.

### Ending the supply of an agency worker on maternity grounds

- Meaning of ending the supply of an agency worker on maternity grounds
- 68B Right to offer of alternative work
- 68C Right to remuneration
- 68D Agency workers: supplementary

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- 69 Calculation of remuneration.
- 69A Calculation of remuneration (agency workers)
- 70 Complaints to employment tribunals.
- 70A Complaints to employment tribunals: agency workers

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- 71 (1) An employee may, provided that she satisfies any conditions...
- 72 Compulsory maternity leave.
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- 74 Redundancy and dismissal.
- 75 Sections 71 to 73: supplemental.

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- 75A Ordinary adoption leave
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- 75F Entitlement to leave under section 75E: further provision
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- 76 Entitlement to parental leave.
- 77 Rights during and after parental leave.
- 78 Special cases.
- 79 Supplemental.
- 80 Complaint to employment tribunal.

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80A	Entitlement to paternity leave: birth
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80F	Statutory right to request contract variation
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- 87 Rights of employee in period of notice.
- 88 Employments with normal working hours.
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- 90 Short-term incapacity benefit, contributory employment and support allowance and industrial injury benefit.
- 91 Supplementary.

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- 92 Right to written statement of reasons for dismissal.
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7771	. 1
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94 The right.

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- 95 Circumstances in which an employee is dismissed.
- 96 Unfair dismissal
- 97 Effective date of termination.

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#### Retirement

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- 98A Procedural fairness
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- 99 Leave for family reasons.
- 100 Health and safety cases.
- 101 Shop workers and betting workers who refuse Sunday work.
- 101ZA Shop workers who refuse to work additional hours on Sunday
  - 101A Working time cases.
    - 102 Trustees of occupational pension schemes.
    - 103 Employee representatives.
  - 103A Protected disclosure.
    - 104 Assertion of statutory right.
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- 108 Qualifying period of employment.
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- 111A Confidentiality of negotiations before termination of employment
  - 112 The remedies: orders and compensation.

### Orders for reinstatement or re-engagement

- 113 The orders.
- 114 Order for reinstatement.
- 115 Order for re-engagement.
- 116 Choice of order and its terms.
- 117 Enforcement of order and compensation.

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- 119 Basic award.
- 120 Basic award: minimum in certain cases.
- 121 Basic award of two weeks' pay in certain cases.
- 122 Basic award: reductions.
- 123 Compensatory award.
- 124 Limit of compensatory award etc.
- 124A Adjustments under the Employment Act 2002
  - 125 Unfair dismissal
  - 126 Acts which are both unfair dismissal and discrimination.
  - 127 Unfair dismissal
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- 132 Consequence of failure to comply with order.

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- 134 Teachers in aided schools.
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137					
138	No dismissal in cases of renewal of contract or re-engagement.				
139					
	Exclusions				
140	Summary dismissal.				
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	Supplementary				
145					
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### Lay-off and short-time

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- 148 Eligibility by reason of lay-off or short-time.

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- 150 Resignation.
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- 153 The relevant date.
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- 173 Employees paid by person other than employer.

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- 175 Death of employer: lay-off and short-time.
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177 References to employment tribunals.

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- 178 Old statutory compensation schemes.
- 179 Notices.

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100	Offerage
180	Offences.

181 Interpretation.

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182	Emplo	yee's	rights	on inso	lvency	of empl	loyer.

- 183 Insolvency.
- 184 Debts to which Part applies.
- 185 The appropriate date.
- 186 Limit on amount payable under section 182.
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- 190 Power to obtain information.

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- 191 Crown employment.
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- 194 House of Lords staff.
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- 197 Fixed-term contracts.
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201 Power to extend employment legislation to offshore employment.

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202 National security.

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- 203 Restrictions on contracting out.
- 204 Law governing employment.
- 205 Remedy for infringement of certain rights.

### Employee shareholder status

205A Employee shareholders

### General provisions about death of employer or employee

- 206 Institution or continuance of tribunal proceedings.
- 207 Rights and liabilities accruing after death.

### Mediation in certain cross-border dispute

- 207A Extension of time limits because of mediation in certain cross-border disputes
- 207B Extension of time limits to facilitate conciliation before institution of proceedings

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- 209 Powers to amend Act.

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#### CONTINUOUS EMPLOYMENT

- 210 Introductory.
- 211 Period of continuous employment.
- 212 Weeks counting in computing period.
- 213 Intervals in employment.
- 214 Special provisions for redundancy payments.
- 215 Employment abroad etc.
- 216 Industrial disputes.
- 217 Reinstatement after military service.
- 218 Change of employer.
- 219 Reinstatement or re-engagement of dismissed employee.

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220 Introductory.

### Employments with normal working hours

221 General.

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222 223	Remuneration varying according to time of work. Supplementary.
	Employments with no normal working hours
224	Employments with no normal working hours.
	The calculation date
225 226	Rights during employment. Rights on termination.
	Maximum amount of week's pay
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	Miscellaneous
228 229	New employments and other special cases. Supplementary.
	CHAPTER III
	OTHER INTERPRETATION PROVISIONS
230 231 232 233 234 235	Employees, workers etc. Associated employers. Shop workers. Betting workers Normal working hours. Other definitions.
	PART XV
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236 237	Orders and regulations. Financial provisions.
	Reciprocal arrangements
238 239	Reciprocal arrangements with Northern Ireland. Reciprocal arrangements with Isle of Man.
	Final provisions
240 241 242 243 244 245	Consequential amendments. Transitionals, savings and transitory provisions. Repeals and revocations. Commencement. Extent. Short title.

12

13

14

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## **SCHEDULES** SCHEDULE 1 — Consequential amendments (1) Section 1 of the Equal Pay Act 1970 is... The Atomic Energy Authority Act 1971 (c.11) (1) Section 10 of the Atomic Energy Authority Act 1971... The Attachment of Earnings Act 1971 (c.32) 3 Paragraph 3 of Part I of Schedule 3 to the... The British Library Act 1972 (c.54) In paragraph 13(3)(a) of the Schedule to the British Library... The Health and Safety at Work etc. Act 1974 (c.37) In section 80(2A) of the Health and Safety at Work... *The Sex Discrimination Act 1975 (c.65)* 6 (1) The Sex Discrimination Act 1975 is amended as follows.... The Scottish Development Agency Act 1975 (c.69) In paragraph 6 of Schedule 3 to the Scottish Development... The Welsh Development Agency Act 1975 (c.70) In paragraph 7 of Schedule 2 to the Welsh Development... The Lotteries and Amusements Act 1976 (c.32) In section 23(1) of the Lotteries and Amusements Act 1976,... The Race Relations Act 1976 (c.74) (1) The Race Relations Act 1976 is amended as follows.... 10 The Development of Rural Wales Act 1976 (c.75) 11 The New Towns (Scotland) Act 1977 (c.16)

In section 3(6) of the New Towns (Scotland) Act 1977,...

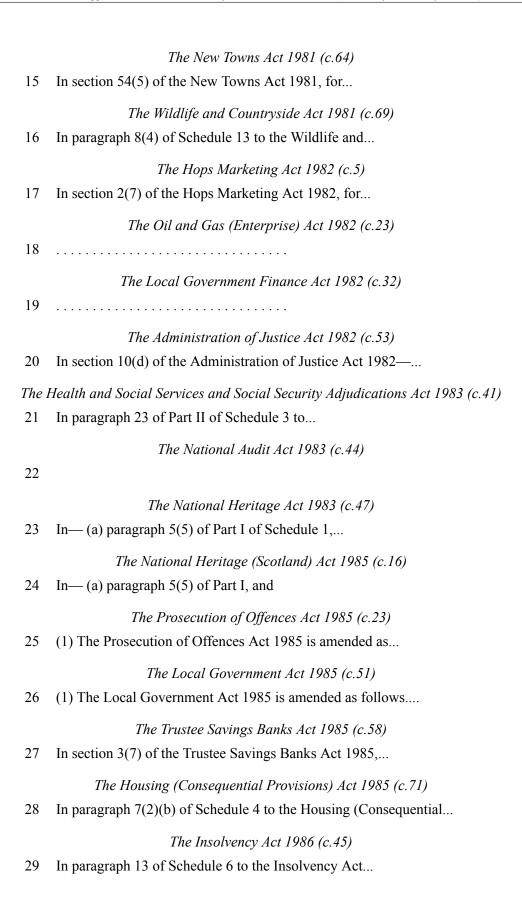
In paragraph 1 of Schedule 2 to the House of...

The National Health Service (Scotland) Act 1978 (c.29)

The House of Commons (Administration) Act 1978 (c.36)

In section 12C(3) of the National Health Service (Scotland) Act...

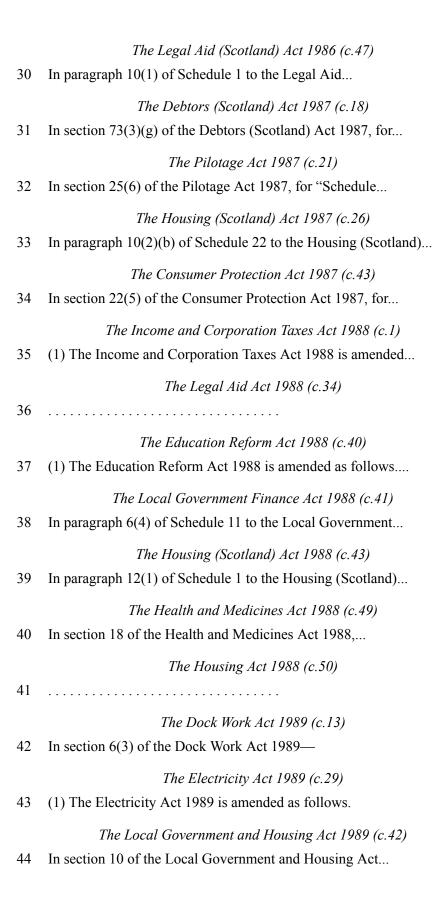
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The National Health Service and Community Care Act 1990 (c.19)

45 (1) The National Health Service and Community Care Act 1990...

*The Enterprise and New Towns (Scotland) Act 1990 (c.35)* 

46 In paragraph 17(1) of Schedule 1 to the Enterprise and...

The Environmental Protection Act 1990 (c.43)

47 In paragraph 15 of Schedule 10 to the Environmental Protection...

The Natural Heritage (Scotland) Act 1991 (c.28)

48 In paragraph 4 of Schedule 4 to the Natural Heritage...

The Coal Mining Subsidence Act 1991 (c.45)

49 In section 30(7) of the Coal Mining Subsidence Act 1991—...

The Ports Act 1991 (c.52)

50 In section 24(8) of the Ports Act 1991, for the...

The Social Security Contributions and Benefits Act 1992 (c.4)

51 (1) The Social Security Contributions and Benefits Act 1992 is...

The Further and Higher Education Act 1992 (c.13)

52 (1) The Further and Higher Education Act 1992 is amended...

The Timeshare Act 1992 (c.35)

53 In section 1 of the Timeshare Act 1992—

The Further and Higher Education (Scotland) Act 1992 (c.37)

54 In section 33(3)(b) of the Further and Higher Education (Scotland)...

The Museums and Galleries Act 1992 (c.44)

55 In section 1(7) of the Museums and Galleries Act 1992,...

The Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)

56 (1) The Trade Union and Labour Relations (Consolidation) Act 1992...

The Tribunals and Inquiries Act 1992 (c.53)

57 In section 11(2) of the Tribunals and Inquiries Act 1992,...

The Social Security Act 1993 (c.3)

58 In section 2(4)(b) of the Social Security Act 1993, for...

The Education Act 1993 (c.35)

59 .....

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### The Railways Act 1993 (c.43)

60 (1) The Railways Act 1993 is amended as follows.

The Pension Schemes Act 1993 (c.48)

61 (1) The Pension Schemes Act 1993 is amended as follows....

The Finance Act 1994 (c.9)

62 In paragraph 27 of Schedule 24 to the Finance Act...

The Local Government (Wales) Act 1994 (c.19)

63 (1) The Local Government (Wales) Act 1994 is amended as...

The Coal Industry Act 1994 (c.21)

64 In paragraph 4(11) of Schedule 5 to the Coal Industry...

The Criminal Justice and Public Order Act 1994 (c.33)

65 In section 126(2) of the Criminal Justice and Public Order...

The Local Government etc. (Scotland) Act 1994 (c.39)

66 (1) The Local Government etc. (Scotland) Act 1994 is amended...

The Jobseekers Act 1995 (c.18)

67 (1) The Jobseekers Act 1995 is amended as follows.

The Environment Act 1995 (c.25)

68 In paragraph 3 of Schedule 2 to the Environment Act...

The Disability Discrimination Act 1995 (c.50)

69 (1) The Disability Discrimination Act 1995 is amended as follows....

SCHEDULE 2 — Transitional provisions, savings and transitory provisions Part I — Transitional Provisions AND SAVINGS

### General transitionals and savings

- 1 The substitution of this Act for the provisions repealed or...
- 2 (1) Anything done, or having effect as done, (including the...
- 3 Any reference (express or implied) in this Act or any...
- 4 (1) Any reference (express or implied) in any enactment, or...
- 5 Paragraphs 1 to 4 have effect in place of section...

Preservation of old transitionals and savings

6 (1) The repeal by this Act of an enactment previously...

#### Employment particulars

7 (1) In this paragraph "pre-TURERA employee" means an employee whose...

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### Monetary limits in old cases

8 In relation to any case in which (but for this...

Shop workers and betting workers to whom old maternity provisions applied

9 (1) This paragraph applies where an employee exercised a right...

Validity of provisions deriving from certain regulations

10 Any question as to the validity of any of sections...

### Unfair dismissal

11 Part X does not apply to a dismissal from employment...

#### Redundancy payments

12 (1) Section 135 does not apply to an employee who...

### Periods of employment

- 13 (1) The reference in section 215(2)(b) to a person being...
- 14 (1) Subject to paragraph 13 and sub-paragraphs (2) and (3)... Part II TRANSITORY PROVISIONS

Occupational pension scheme trustees

15 (1) If sections 42 to 46 of the Pensions Act...

### Armed forces

- 16 (1) If section 31 of the Trade Union Reform and...
- 17 (1) If Part XI of the Reserve Forces Act 1996...

### Disability discrimination

18 ..........

SCHEDULE 3 — Repeals and revocations

Part I — REPEALS

Part II — REVOCATIONS

### TABLE OF DERIVATIONS

- 1 Notes:
- 2 The following abbreviations are used in the Table—BGLA =...

### **Status:**

Point in time view as at 06/04/2017.

### **Changes to legislation:**

Employment Rights Act 1996 is up to date with all changes known to be in force on or before 28 May 2024. 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.