



Employment Protection Act 1975

1975 CHAPTER 71

PART V

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

108 General provisions as to industrial tribunals and conciliation officers.

- (1) The remedy of an employee for infringement of any of the rights conferred on him by any provision of this Act shall, if provision is made for a complaint or for the reference of a question to an industrial tribunal, be by way of such complaint or reference in accordance with the relevant provisions of this Act and with tribunal regulations made under [^{F1}paragraph 1 of Schedule 9 to the ^{M1}Employment Protection (Consolidation) Act 1978], and not otherwise.

(2) F2

Textual Amendments

- F1** Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 16 para. 23\(1\)\(7\)](#)
F2 [Ss. 22–39, 41–88, 108\(2\)–\(8\), 109, 112, 119\(2\)\(8\)–\(11\), 120, 121\(8\), 122\(3\), 124\(2\)–\(4\), 126\(3\)\(5\), 128\(2\), 129\(2\), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

Marginal Citations

- M1** [1978 c. 44.](#)

109 F3

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

Textual Amendments

F3 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

110 Death of employee or employer.

The provisions of Schedule 12 to this Act shall have effect in relation to the death of an employee or employer.

111 Disentitlement to unemployment benefit and supplementary benefit during trade dispute.

(1) In section 19(1) of the ^{M2} of the Social Security Act 1975 (disqualification for unemployment benefit where stoppage of work due to trade dispute)—
(a) in paragraph (a) the words “or financing” and the word “and”, and
(b) paragraph (b),
are hereby repealed.

(2) ^{F4}

Textual Amendments

F4 S. 111(2) repealed by [Supplementary Benefits Act 1976 \(c. 71\)](#), s. 35(3), [Sch. 8 Pt. II](#)

Modifications etc. (not altering text)

C1 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1975 c.14

112 ^{F5}

Textual Amendments

F5 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

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113 F6

Textual Amendments

F6 S. 113 repealed by [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), s. 24(6), [Sch. 2](#)

114 **Amendments of the Employment Agencies Act 1973.**

The ^{M3} Employment Agencies Act 1973 shall have effect subject to the amendments which transfer the licensing functions under that Act from local authorities to the Secretary of State.

Modifications etc. (not altering text)

C2 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 [1973 c.35](#)

115 **Amendments of the Employment and Training Act 1973.**

The ^{M4} Employment and Training Act 1973 shall have effect subject to the amendments specified in Schedule 14 to this Act, being amendments which provide for the status of the bodies established under section 1(1) of that Act and enlarge the powers of the Secretary of State to make arrangements for the purpose of providing or obtaining employment.

Modifications etc. (not altering text)

C3 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 [1973 c.50](#)

116 **Amendments of the Health and Safety at work etc. Act 1974.**

The ^{M5} Health and Safety at Work etc. Act 1974 shall have effect subject to the amendments which restrict the appointment of safety representatives to those appointed by recognised trade unions, remove the special provisions relating to

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

health and safety at work in agriculture and enable certain statements to be given notwithstanding the restrictions on disclosure of information obtained under that Act.

Modifications etc. (not altering text)

C4 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M5 1974 c.37

117 Offences by bodies corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

118 Restrictions on contracting out.

- (1) Except as provided by subsection (2) below, any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—
 - (a) to exclude or limit the operation of any provision of this Act; or
 - (b) to preclude any person from presenting a complaint to, or bringing any proceedings under this Act before, an industrial tribunal, or for making any reference, claim, complaint or application under this Act to the Service or the Committee.
- (2) Subsection (1) above shall not apply—
 - (a) to any provision in a collective agreement excluding rights under . . . ^{F7} Part IV of this Act, if an order under . . . ^{F7} section 107 above is for the time being in force in respect of it;
 - (b) ^{F8}
 - (d) to any agreement such as is referred to in section . . . ^{F9} 21(6)(b) or (c) above, . . . ^{F9} to the extent that it varies or supersedes an award under section . . . ^{F9} 21 above, . . . ^{F9}

Textual Amendments

F7 Words repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

F8 [S. 118\(2\)\(b\)\(c\)](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

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F9 Word repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)

119 Excluded classes of employment.

- (1) Subject to the following provisions of this section, [^{F10}Part IV of this Act applies]to every employment.
- (2) ^{F11}
- (3) ^{F12}
- (4) The following provisions of this Act do not apply to employment as master or as a member of the crew of a fishing vessel, where the employee is not remunerated otherwise than by a share in the profits or gross earnings of the vessel, that is to say, sections . . . ^{F13} 99 and 100.
- (5) The following provisions of this Act do not apply to employment where under his contract of employment the employee ordinarily works outside Great Britain, that is to say, sections . . . ^{F13} 99 and 100.
- (6) For the purposes of subsection (5) above, a person employed to work on board a ship registered in the United Kingdom (not being a ship registered at a port outside Great Britain) shall, unless—
 - (a) the employment is wholly outside Great Britain or
 - (b) he is not ordinarily resident in Great Britain,be regarded as a person who under his contract ordinarily works in Great Britain.
- (7) The following provisions of this Act do not apply to employment under a contract for a fixed term of [^{F14}three months] or less or to employment under a contract made in contemplation of the performance of a specific task which is not expected to last for more than [^{F14}three months], unless in either case the employee has been continuously employed for a period of more than [^{F14}three months], that is to say, sections . . . ^{F13} 99 and 100.

[^{F15}Section 151 of and Schedule 13 to the ^{M6}1978 Employment Protection (Consolidation) Act (computation of period of continuous employment), and any provision modifying or supplementing that section or Schedule for the purposes of that Act, shall apply for the purposes of this subsection as if this subsection were contained in that Act.]
- (8) ^{F11}
- (12) The following provisions of this Act do not apply to employment as a merchant seaman, that is to say, sections . . . ^{F13} 99 and 100.
- (13) Subject to subsection (14) below, employment as a merchant seaman does not include employment in the fishing industry or employment on board a ship otherwise than by the owner, manager or charterer of that ship except employment as a radio officer but save as aforesaid includes employment as master or a member of the crew of any ship, as an apprentice to the sea service, and as a trainee undergoing training for the sea service, and employment in or about a ship in port by the owner, manager or charterer of the ship to do work of the kind ordinarily done by a merchant seaman on such a ship while it is in port.

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- (14) For the purposes of subsection (12) above as it applies in relation to sections 99 and 100, employment as a merchant seaman means employment as master or as a member of the crew of a sea-going ship, including an apprentice or trainee employed on any such ship and employment as a radio officer on such a ship.
- (15) The Secretary of State may by order—
- (a) provide that any enactment contained in this Act which is specified in the order shall not apply to persons or to employments of such classes as may be prescribed by the order, or shall apply to persons or employments of such classes as may be prescribed by the order subject to such exceptions and modifications as may be so prescribed;
 - (b) vary or revoke any of the provisions of subsections (1) to (14) of this section.
- (16) No order under subsection (15) above shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (17) ^{F16}

Textual Amendments

- F10** Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 16 para. 23(1)(8)**
- F11** Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**
- F12** S. 119(3) repealed by [Dock Work Act 1989 \(c. 13, SIF 43:1\)](#), s. 7(1), **Sch. 1 Pt. I**
- F13** Figures repealed by [Employment Protection\(Consolidation\) Act 1978 \(c. 44\)](#), Sch. 17
- F14** Words substituted (with saving) by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 2, **Sch. 2 para. 6(1)**
- F15** Words inserted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 6(1)**
- F16** S. 119(17) repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21(3), **Sch. 4**

Modifications etc. (not altering text)

- C5** S. 119 modified by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 47(1), **Sch. 13 para. 8(4)**

Marginal Citations

- M6** [1978 c.44 \(43:1\)](#).

120 ^{F17}

Textual Amendments

- F17** Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

121 Application to Crown.

- (1) Subject to the following provisions of this section, the provisions of this Act (except sections . . . ^{F18} 20, 21 . . . ^{F19} 90 to 96 and [^{F20}99 to] 107) shall have effect in relation

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to Crown employment and to persons in Crown employment as they have effect in relation to other employment and to other employees.

- (2) In this section, subject to subsections (3) to (5) below, “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 any enactment.
- (3) This section does not apply to service as a member of the naval, military or air forces of the Crown, . . . , but does apply to employment by any association established for the purposes of the ^{M7}Auxiliary Forces Act 1953.
- (4) For the purposes of this section, Crown employment does not include any employment in respect of which there is in force a certificate issued by or on behalf of a Minister of the Crown certifying that employment of a description specified in the certificate, or the employment of a particular person so specified, is (or, at a time specified in the certificate, was) required to be excepted from this section for the purpose of safeguarding national security; and any document purporting to be a certificate so issued shall be received in evidence and shall, unless the contrary is proved, be deemed to be such a certificate.
- (5) For the purposes of this Act (except sections . . . ^{F19} 90 to 96 and 105), none of the bodies referred to in [^{F21}Schedule 5 to the ^{M8}Employment Protection (Consolidation) Act 1978] (national health service employers) shall be regarded as performing functions on behalf of the Crown, and accordingly employment by any such body shall not be Crown employment within the meaning of this section.
- (6) For the purposes of the application of the provisions of this Act in relation to employment by any such body as is referred to in subsection (5) above, any reference to redundancy shall be construed as a reference to the existence of such circumstances as, in accordance with any arrangements for the time being in force as mentioned in [^{F22}Section 111(3) of the ^{M9}Employment Protection (Consolidation) Act 1978], are treated as equivalent to redundancy in relation to such employment.
- (7) For the purposes of the application of the provisions of this Act in relation to Crown employment in accordance with subsection (1) above—
 - (a) any reference to an employee shall be construed as a reference to a person in Crown employment;
 - (b) any reference to a contract of employment shall be construed as a reference to the terms of employment of a person in Crown employment;
 - (c) any reference to dismissal shall be construed as a reference to the termination of Crown employment;
 - (d) any reference to redundancy shall be construed as a reference to the existence of such circumstances as, in accordance with any arrangements for the time being in force as mentioned in [^{F22}Section 111(3) of the ^{M10}Employment Protection (Consolidation) Act 1978], are treated as equivalent to redundancy in relation to Crown employment;
 - (e) the reference in section 18(1)(e) above to the employer’s undertaking shall be construed as a reference to the national interest; and
 - (f) any other reference to an undertaking shall be construed, in relation to a Minister of the Crown, as a reference to his functions or (as the context may require) to the department of which he is in charge and, in relation to a government department, officer or body, shall be construed as a reference to the functions of the department, officer or body or (as the context may require) to the department, officer or body.

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Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

(8) F23

Textual Amendments

- F18** Word repealed by [Employment Act 1980 \(c. 42\)](#), **Sch. 2**
- F19** Words repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**
- F20** Words substituted by [Employment Act 1980 \(c. 42\)](#), **Sch. 1 para. 5**
- F21** Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 16 para. 23(1) (10)**
- F22** Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 16 para. 23(1) (11)**
- F23** Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

Marginal Citations

- M7** 1953 c. 50.
- M8** 1978 c. 44.
- M9** 1978 c. 44.
- M10** 1978 c. 44.

122 Application of employment legislation to House of Commons staff.

- (1) The provisions of this Act,^{F24} shall apply to relevant members of House of Commons staff as they apply to persons in Crown employment within the meaning of section 121 above, and accordingly for the purposes of the application of those provisions in relation to any such members—
- (a) any reference to an employee shall be construed as a reference to any such member;
 - (b) any reference to a contract of employment shall be construed as [^{F25}including] a reference to the terms of employment of any such member;
 - (c) any reference to dismissal shall be construed as [^{F25}including] a reference to the termination of any such member’s employment;
 - (d) the references in^{F24} section 18(1)(e) above to any person’s undertaking or any undertaking in which he works shall be construed as a reference to the national interest or, if the case so requires, the interests of the House of Commons; and
 - (e) any other reference to an undertaking shall be construed as a reference to the House of Commons.
- [^{F26}(2) The provisions of the following enactments, that is to say—
- (a) section 1 of the^{M11}Equal Pay Act 1970; and
 - (b) Parts II and IV of the^{M12}Sex Discrimination Act 1975; and
 - (c) Parts II and IV of the^{M13}Race Relations Act 1976] shall apply to an act done by an employer of a relevant member of House of Commons staff and to service as such a member as they apply to an act done by, and to service for the purposes of, a Minister of the Crown or Government department, and accordingly shall so apply as if references in those provisions to a contract of employment included references to the terms of service of such a member.

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[^{F27}(3) ^{F28}

(4) In this section—

“relevant member of the House of Commons staff” means—

- (a) any person appointed by the House of Commons Commission (in this section referred to as the Commission) or employed in the refreshment department; and
- (b) any member of Mr. Speaker’s personal staff;

..... ^{F29}

“the court” means the High Court or the county court.

(5) It is hereby declared that for the purposes of the enactments applied by subsections (1) and (2) above . . . ^{F24}—

- (a) the Commission is the employer of staff appointed by the Commission; and
- (b) Mr. Speaker is the employer of his personal staff and of any person employed in the refreshment department and not falling within paragraph (a) above;

but the foregoing provision shall have effect subject to subsection (6) below.

(6) The Commission or, as the case may be, Mr. Speaker may designate for all or any of the purposes mentioned in subsection (5) above—

- (a) any description of staff other than Mr. Speaker’s personal staff; and
- (b) in relation to staff so designated, any person;

and where a person is so designated he, instead of the Commission or Mr. Speaker, shall be deemed for the purposes to which the designation relates to be the employer of the persons in relation to whom he is so designated.

(7) Where any proceedings are brought by virtue of this section against the Commission or Mr. Speaker or any person designated under subsection (6) above, the person against whom the proceedings are brought may apply to the court or industrial tribunal, as the case may be, to have some other person against whom the proceedings could at the time of the application be properly brought substituted for him as a party to those proceedings.

(7A) For the purposes mentioned in subsection (5) above a person’s employment in or for the purposes of the House of Commons shall not, provided he continues to be employed in such employment, be treated as terminated by reason only of a change (whether effected before or after the passing of the ^{M14}House of Commons (Administration) Act 1978, and whether effected by virtue of that Act or otherwise) in his employer and (provided he so continues) his first appointment to such employment shall be deemed after the change to have been made by his employer for the time being, and accordingly—

- (a) he shall be treated for the purposes so mentioned as being continuously employed by that employer from the commencement of such employment until its termination; and
- (b) anything done by or in relation to his employer for the time being in respect of such employment before the change shall be so treated as having been done by or in relation to the person who is his employer for the time being after the change.

(7B) In subsection (7A) above “employer for the time being” in relation to a person who has ceased to be employed in or for the purposes of the House of Commons, means the person who was his employer immediately before he ceased to be so employed,

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except that where some other person would have been his employer for the time being if he had not ceased to be so employed, it means that other person.]

(8) If the House of Commons resolves at any time that any provision of [^{F30}subsections (4) to (7)] above should be amended in its application to any member of the staff of that House, Her Majesty may by Order in Council amend that provision accordingly.

(9) ^{F31}

Textual Amendments

- F24** Words repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**
- F25** Word inserted by [House of Commons \(Administration\) Act 1978 \(c. 36\)](#), **Sch. 2 para. 5(1)(2)**
- F26** Words substituted by [Race Relations Act 1976 \(c. 74\)](#), **Sch. 3 para. 1(5)**
- F27** [S. 122\(3\)–\(7B\)](#) substituted for [s. 122\(3\)–\(7\)](#) by [House of Commons \(Administration\) Act 1978 \(c. 36\)](#), **Sch. 2 para. 5(1)(3)**
- F28** [Ss. 22–39, 41–88, 108\(2\)–\(8\), 109, 112, 119\(2\)\(8\)–\(11\), 120, 121\(8\), 122\(3\), 124\(2\)–\(4\), 126\(3\)\(5\), 128\(2\), 129\(2\), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**
- F29** Definition repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**
- F30** Words substituted by [House of Commons \(Administration\) Act 1978 \(c. 36\)](#), **Sch. 2 para. 5(1)(4)**
- F31** [S. 122\(9\), Sch.16 Pt. IV para. 1](#) repealed by [House of Commons \(Administration\) Act 1978 \(c. 36\)](#), **Sch. 3**

Marginal Citations

- M11** 1970 c. 41.
- M12** 1975 c. 14.
- M13** 1976 c. 74.
- M14** 1978 c. 36.

123 Orders, rules and regulations.

- (1) Any power conferred by any provision of this Act to make an order (other than an Order in Council) or to make rules or regulations shall be exercisable by statutory instrument.
- (2) Any statutory instrument made under any power conferred by this Act to make an Order in Council or other order or to make rules or regulations, except—
 - (a) an instrument required to be laid before Parliament in draft; and
 - (b) an order under section . . . ^{F32} 107 above or section 129 below,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any such power shall include power to make such incidental, supplementary or transitional provisions as appear to the authority exercising the power to be necessary or expedient.
- (4) Any such power to make an order shall, except in the case of an order made under Part III of this Act, include power to revoke or vary the order by a subsequent order made under that provision.

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Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

Textual Amendments

F32 Words repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

124 Financial provisions.

- (1) Subject to the following provisions of this section, there shall be defrayed out of moneys provided by Parliament—
 - (a) all expenses incurred by the Secretary of State or any other Minister of the Crown or any government department in consequence of the provisions of this Act;
 - (b) any expenses incurred by Mr. Speaker or by any person designated by him under section 122 above, in consequence of any enactment which is applied by that section; and
 - (c) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.
- (2) ^{F33}
- (5) There shall be paid into the Consolidated Fund any sums received by a Minister of the Crown by virtue of this Act, except sums which are expressly required to be paid into the Maternity Pay Fund, the Redundancy Fund or the National Insurance Fund.
- (6) As respects any increase attributable to the provisions of this Act in the expenses which under section 135(3)(a) of the ^{M15}Social Security Act 1975 are to be paid out of moneys provided by Parliament, subsection (1)(c) above is without prejudice to the provision made by subsection (5) of that section for reimbursement out of the National Insurance Fund.

Textual Amendments

F33 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

Marginal Citations

M15 1975 c. 14.

125 Minor and consequential amendments, transitional provisions and repeals.

- (1) [^{F34}The provisions of the 1974 Act specified in Part III of Schedule 16 to this Act] and the enactments specified in Part IV of that Schedule, shall have effect subject to the amendments so specified respectively, being minor amendments and amendments consequential on any provisions of this Act.
- (2) The transitional provisions in Schedule 17 to this Act shall have effect.
- (3) The enactments specified in Schedule 18 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

Textual Amendments

F34 Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 16 para. 23\(1\)](#) (12)

Modifications etc. (not altering text)

C6 The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

126 Interpretation.

(1) In this Act, except so far as the context otherwise requires—

“associated employer”, “collective agreement”, “employee”, “employer”, “independent trade union” and “independence” and “independent” (in relation to a trade union), “official”, “successor”, . . . ^{F35}“trade union”, “union membership agreement” and “worker” have the same meanings respectively as in the 1974 Act;

“business” includes a trade or profession and includes any activity carried on by a body of persons, whether corporate or unincorporate;

“collective bargaining” means negotiations relating to or connected with one or more of the matters specified in section 29(1) of the 1974 Act;

“Committee” has the meaning assigned to it by section 10 above;

“dismiss”, “dismissal” and “effective date of termination” shall be construed in accordance with [^{F36}section 55 of the ^{M16}Employment Protection (Consolidation) Act 1978];

^{F37}

“the 1974 Act” means the ^{M17}Trade Union and Labour Relations Act 1974;

“recognition” [^{F38}in relation to a trade union, means the recognition of the union by an employer, or two or more associated employers, to any extent, for the purpose of collective bargaining] and cognate expressions shall be construed accordingly;

“Service” has the meaning assigned to it by section 1 above.

[^{F39}“trade dispute” has the meaning assigned by section 126A below]

(2) “Employers’ associations”, except in Part III of this Act, has the same meaning as in the 1974 Act and in the said Part III and in any enactment thereby amended means any organisation representing employers and any association of such organisations or of employers and such organisations.

(3) ^{F40}

(4) For the purposes of this Act employees are to be treated, in relation to a union membership agreement, as belonging to the same class if they have been identified as such by the parties to the agreement, and employees may be so identified by reference to any characteristics or circumstances whatsoever.

(5) ^{F40}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

- (6) In this Act references to redundancy or to being redundant, in relation to an employee, are references to—
- (a) the fact that the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee is or was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee is or was so employed, or
 - (b) the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he is or was so employed, have ceased or diminished or are expected to cease or diminish.
- (7) In subsection (6) above, “cease” means cease either permanently or temporarily and from whatsoever cause, and “diminish” has a corresponding meaning.
- (8) For the purposes of this Act it is immaterial whether the law which (apart from this Act) governs any person’s employment is the law of the United Kingdom, or a part of the United Kingdom, or not.
- (9) Except so far as the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

Textual Amendments

- F35** Words repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21, **Sch. 3 para. 13(2)(a)**, Sch. 4
- F36** Words substituted by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 16 para. 23(1) (13)**
- F37** Definition repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**
- F38** Words substituted by [Employment Act 1980 \(c. 42\)](#), **Sch. 1 para. 6**
- F39** Definition inserted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21, **Sch. 3 para. 13(2)(b)**
- F40** Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), **Sch. 17**

Marginal Citations

- M16** 1978 c. 44.
- M17** 1974 c. 52.

[^{F41}126A] Meaning of trade dispute.

- (1) In this Act “trade dispute” means a dispute between employers and workers, or between workers and workers, which is connected with one or more of the following, that is to say—
- (a) terms and conditions of employment, or the physical conditions in which any workers are required to work;
 - (b) engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
 - (c) allocation of work or the duties of employment as between workers or groups of workers;
 - (d) matters of discipline;

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Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

- (e) the membership or non-membership of a trade union on the part of a worker;
 - (f) facilities for officials of trade unions; and
 - (g) machinery for negotiation or consultation, and other procedures, relating to any of the foregoing matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in any such negotiation or consultation or in the carrying out of such procedures.
- (2) A dispute between a Minister of the Crown and any workers shall, notwithstanding that he is not the employer of those workers, be treated for the purposes of this Act as a dispute between employer and those workers if the dispute relates—
- (a) to matters which have been referred for consideration by a joint body on which, by virtue of any provision made by or under any enactment, that Minister is represented; or
 - (b) to matters which cannot be settled without that Minister exercising a power conferred on him by or under an enactment.
- (3) There is a trade dispute for the purposes of this Act even though it relates to matters occurring outside Great Britain.
- (4) A dispute to which a trade union or employers' association is a party shall be treated for the purposes of this Act as a dispute to which workers or, as the case may be, employers are parties.
- (5) An act, threat or demand done or made by one person or organisation against another which, if resisted, would have led to a trade dispute with that other, shall, notwithstanding that because that other submits to the act or threat or accedes to the demand no dispute arises, be treated for the purposes of this Act as being done or made in contemplation of a trade dispute with that other.
- (6) In this section—
- “employment” includes any relationship whereby one person personally does work or performs services for another;
 - “worker”, in relation to a dispute to which an employer is a party, includes any worker even if not employed by that employer.]

Textual Amendments

F41 S. 126A inserted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21, [Sch. 3 para. 13\(3\)](#)

127 Power to extend employment legislation.

- (1) Her Majesty may by Order in Council provide that the provisions of—
- (a)^{F42}
 - [^{F43}(b) the Industrial Training Act 1982.]
 - [^{F44}(bb) the Agricultural Training Board Act 1982]
 - (c)^{F45}
 - (e) the 1974 Act;
 - (f) this Act; and
 - [^{F46}(ff) the Employment Act 1980; and]
 - [^{F47}(fg) the Employment Act 1982; and]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

- (g) any legislation (that is to say any enactment of the Parliament of Northern Ireland and any provision made by or under a Measure of the Northern Ireland Assembly) for the time being in force in Northern Ireland which makes provision for purposes corresponding to any of the purposes of any of the Acts mentioned . . . ^{F48} above,

shall, to such extent and for such purposes as may be specified in the Order, apply (with or without modification) to or in relation to any person in employment to which this section applies.

[^{F49}(2) This section applies to employment for the purposes of—

- (a) any activities in the territorial waters of the United Kingdom; or
(b) any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section.]
- (a) in the territorial waters of the United Kingdom; or
(b) connected with the exploration of the sea bed or subsoil or the exploitation of their natural resources in any area designated by order under section 1(7) of the ^{M18}Continental Shelf Act 1964.

(3) An Order in Council under subsection (1) above—

- (a) may make different provision for different cases;
(b) may provide that all or any of the provisions of any Act mentioned in that subsection, as applied by such an Order, shall apply to individuals whether or not they are British subjects and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom (notwithstanding that the application may affect their activities outside the United Kingdom);
(c) may make provision for conferring jurisdiction on any court or class of court specified in the Order, or on industrial tribunals, in respect of offences, causes of action or of matters arising in connection with employment to which this section applies;
(d) without prejudice to the generality of subsection (1) above or of paragraph (a) above, may provide that the enactments referred to in that subsection shall apply in relation to any person in employment for the purposes of such activities as are referred to in subsection (2) above in any part of the areas specified in paragraphs (a) and (b) of that subsection;
(e) may exclude from the operation of section 3 of the ^{M19}Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under the enactments referred to in subsection (1) above in connection with employment to which this section applies;
(f) may provide that such proceedings shall not be brought without such consent as may be required by the Order;
(g) may, without prejudice to the generality of the power under subsection (1) above to modify the enactments referred to in that subsection in their application for the purposes of this section, modify or exclude the operation of . . . ^{F50} section 119 above and of any corresponding provision in any such Northern Irish legislation as is referred to in subsection (1)(g) above.

(4) Any jurisdiction conferred on any court or tribunal under this section shall be without prejudice to jurisdiction exercisable apart from this section by that or any other court or tribunal.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

Textual Amendments

- F42** S. 127(1)(a) repealed by Wages Councils Act 1979 (c. 12), Schs. 5, 7
- F43** S. 127(1)(b) substituted by Industrial Training Act 1982 (c. 10, SIF 43:1), s. 20, **Sch. 3 para. 6**
- F44** S.127(1)(bb) inserted by Agricultural Training Board Act 1982 (c. 9, SIF 2:1), s. **11(3)**
- F45** S. 127(1)(c)(d) repealed by (E.W.S.) Employment Protection (Consolidation) Act 1978 (c. 44), **Sch. 17** and (N.I.) S.I. 1981/839 (N.I.20), art. 1(1), **Sch.**
- F46** S. 127(1)(ff) inserted by Employment Act 1980 (c. 42), **Sch. 1 para. 7**
- F47** S. 127(1)(fg) inserted by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 3 para. 13(4)**
- F48** Word repealed by Employment Act 1980 (c. 42), **Sch. 2**
- F49** S. 127(2) substituted by Oil and Gas (Enterprise) Act 1982 (c. 23, SIF 86), s. 37(1), **Sch. 3 para. 25**
- F50** Words repealed by (E.W.S.) Employment Protection (Consolidation) Act 1978 (c. 44), **Sch. 17** and (N.I.) S.I. 1981/839 (N.I. 20), art. 1(1), **Sch.**

Marginal Citations

- M18** 1964 c. 29.
- M19** 1878 c. 73.

128 Northern Ireland.

- (1) If provision is made by Northern Irish legislation (that is to say by or under a Measure of the Northern Ireland Assembly) for purposes corresponding to any of the purposes of this Act, . . . ^{F51}, the Secretary of State may, with the consent of the Treasury make reciprocal arrangements with the appropriate Northern Irish authority for co-ordinating the relevant provisions of this Act . . . ^{F51} with the corresponding provisions of the Northern Irish legislation, so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.
- (2) ^{F52}
- (3) The Secretary of State may make regulations for giving effect in Great Britain to any such arrangements, and any such regulations may make different provision for different cases, and may provide that this Act . . . ^{F51} shall have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—
- (a) for securing that acts, omissions and events having any effect for the purposes of the Northern Irish legislation shall have a corresponding effect for the purposes of this Act . . . ^{F51} (but not so as to confer a right to double payment in respect of the same act, omission or event); and
- (b) for determining, in cases where rights accrue both under this Act . . . ^{F51} and under the Northern Irish legislation, which of those rights shall be available to the person concerned.
- (4) In this section “the appropriate Northern Irish authority” means such authority as may be specified in that behalf in the Northern Irish legislation.

Textual Amendments

- F51** Words repealed by (E.W.S.) Employment Protection (Consolidation) Act 1978 (c. 44), **Sch. 17** and (N.I.) S.I. 1981/839 (N.I. 20), art. 1(1), **Sch.**
- F52** Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11 ,13–

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection Act 1975, Part V. (See end of Document for details)

16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

129 Short title, commencement and extent.

- (1) This Act may be cited as the Employment Protection Act 1975.
- (2) ^{F53}
- (3) The other provisions of this Act shall come into operation on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes.
- (4) Any reference in this Act to the commencement of any provision of this Act shall be construed as a reference to the day appointed under this section for the coming into operation of that provision.
- (5) Without prejudice to the generality of section 123(3) above, an order under this section may contain such transitional provision or savings as appear to the Lord Chancellor or, as the case may be, the Secretary of State to be necessary or expedient in connection with the provisions of this Act which are thereby brought (wholly or in part) into operation, including such adaptations of those provisions then in force as appear to the Lord Chancellor or, as the case may be, the Secretary of State to be necessary or expedient in consequence of their partial operation (whether before, on or after the day appointed by the order).
- (6) Sections 127 and 128 above and any provision of this Act which amends or repeals any provision of the ^{M20}House of Commons Disqualification Act 1975 or the ^{M21}Northern Ireland Assembly Disqualification Act 1975 shall extend to Northern Ireland, but except as aforesaid this Act shall not extend there.

Textual Amendments

F53 Ss. 22–39, 41–88, 108(2)–(8), 109, 112, 119(2)(8)–(11), 120, 121(8), 122(3), 124(2)–(4), 126(3)(5), 128(2), 129(2), Schs. 2–6, Sch. 12 Pt. II paras. 8–12, Sch. 16 Pts. I,II, Pt. III paras. 8, 10, 11, 13–16, 18–30, 34, Pt.IV para. 14, Sch. 17 paras. 7–10, 16, 17 repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 17](#)

Modifications etc. (not altering text)

- C7** Power of appointment conferred by s. 129(3) fully exercised
C8 “The other provisions” means ss. 87, 88 and Sch. 6

Marginal Citations

- M20** 1975 c. 24.
M21 1975 c. 25.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection Act 1975, Part V.