

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, SCHEDULE 15. (See end of Document for details)

SCHEDULES

SCHEDULE 15

Section 159.

TRANSITIONAL PROVISIONS AND SAVINGS

General

- 1 So far as anything done or treated as done under or for the purposes of any enactment repealed by this Act could have been done under a corresponding provision of this Act it shall not be invalidated by the repeal but shall have effect as if done under or for the purposes of that provision.
- 2 Where any period of time specified in an enactment repealed by this Act is current immediately before the corresponding provision of this Act comes into force, this Act shall have effect as if the corresponding provision had been in force when that period began to run.
- 3 Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.
- 4 Any reference in an enactment or document, whether express or implied, to—
 - (a) an enactment which is re-enacted in a corresponding provision of this Act;
 - (b) an enactment replaced or amended by a provision of the ^{M1}Employment Protection Act 1975 which is re-enacted in a corresponding provision of this Act;
 - (c) an enactment in the ^{M2}Industrial Relations Act 1971 which was re-enacted with or without amendment in a corresponding provision in Schedule 1 to the ^{M3}Trade Union and Labour Relations Act 1974 and that corresponding provision is re-enacted by a corresponding provision of this Act;shall, except so far as the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

Marginal Citations

- M1** 1975 c. 71.
M2 1971 c. 72.
M3 1974 c. 52.

- 5 Paragraphs 1 to 4 have effect subject to the following provisions of this Schedule.

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F16

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Textual Amendments

F1 Sch. 15 paras. 6, 9, 11, 16, 19 repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

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F27

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Textual Amendments

F2 Sch. 15 para. 7 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), Sch. 11 and expressed to be repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

Termination of employment

8 Sections 49 and 50 apply in relation to any contract made before the commencement of this Act.

Unfair dismissal

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F39

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Textual Amendments

F3 Sch. 15 paras. 6, 9, 11, 16, 19 repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

10 (1) Section 54 does not apply to a dismissal from employment under a contract for a fixed term of two years or more, where the contract was made before 28th February 1972 and is not a contract of apprenticeship, and the dismissal consists only of the expiry of that term without its being renewed.

(2) Sub-paragraph (1) in its application to an employee treated as unfairly dismissed by virtue of subsection (1) or (2) of section 60 shall have effect as if for the reference to 28th February 1972 there were substituted a reference to 1st June 1976.

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Redundancy

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F4 11

Textual Amendments

- F4 Sch. 15 paras. 6, 9, 11, 16, 19 repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

- 12 Section 81 shall not apply to an employee who immediately before the relevant date (within the meaning of section 90) is employed under a contract of employment for a fixed term of two years or more, if that contract was made before 6th December 1965 and is not a contract of apprenticeship.

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F5 13

Textual Amendments

- F5 Sch. 15 para. 13 repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 pt. II and expressed to be repealed (16.1.1990) by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), Sch. 7 Pt. II

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F6 14

Textual Amendments

- F6 Sch. 15 para. 14 repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), Sch. 10

Insolvency

- 15 (1) Subject to sub-paragraph (2), the provisions of sections 122 and 123 shall apply in relation to an employer who becomes insolvent (within the meaning of section 127) after 19th April 1976, and shall in such a case apply to any debts mentioned in section 122 and to any unpaid relevant contribution (within the meaning of section 123), whether falling due before or after that date.
- (2) Section 122 shall have effect in relation to any case where the employer became insolvent before 1st February 1978 as if for each reference to £100 there were substituted a reference to £80.

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 F7 16

Textual Amendments

F7 Sch. 15 paras. 6, 9, 11, 16, 19 repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

Computation of period of continuous employment

- 17 For the purposes of the computation of a period of continuous employment falling to be made before 1st February 1977—
- (a) paragraphs 3 and 4 of Schedule 13 shall have effect as if for the word “sixteen” there were substituted the word “twenty-one”, and
 - (b) paragraphs 5, 6 and 7 of that Schedule shall not apply.

Legal proceedings

- 18 Notwithstanding the repeal of any enactment by this Act, the Employment Appeal Tribunal and the industrial tribunals may continue to exercise the jurisdiction conferred on them by or under any enactment which is repealed by this Act with respect to matters arising out of or in connection with the repealed enactments.

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 F8 19

Textual Amendments

F8 Sch. 15 paras. 6, 9, 11, 16, 19 repealed (16.11.1989) by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

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