

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- 1 So far as anything done or treated as done under or for the purposes of any enactment repealed by this Act could have been done under a corresponding provision of this Act it shall not be invalidated by the repeal but shall have effect as if done under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- 2 Where any period of time specified in an enactment repealed by this Act is current immediately before the corresponding provision of this Act comes into force, this Act shall have effect as if the corresponding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- 3 Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.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 Employment Protection Act 1975 which is re-enacted in a corresponding provision of this Act;
 - (c) an enactment in the Industrial Relations Act 1971 which was re-enacted with or without amendment in a corresponding provision in Schedule 1 to the 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.
- 5 Paragraphs 1 to 4 have effect subject to the following provisions of this Schedule.

Guarantee payments

- 6 Section 15(1) shall have effect in relation to any day before 1st February 1978 as if for " £6.60 " there were substituted " £6 ".

Maternity pay

- 7 No employee is entitled to receive maternity pay in respect of a payment period or payment periods beginning before 6th April 1977.

Termination of employment

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

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Unfair dismissal

- 9 (1) The repeal by this Act of the provisions relating to unfair dismissals of the Employment Protection Act 1975, of Schedule 1 to the Trade Union and Labour Relations Act 1974 and of the Trade Union and Labour Relations (Amendment) Act 1976 shall not have effect in relation to dismissals where the effective date of termination is earlier than 1st October 1976 and, accordingly, those provisions shall continue to apply to such dismissals as they applied thereto before this Act came into force.
- (2) Without prejudice to the generality of sub-paragraph (1), the provisions of paragraphs 17(2) and (3) and 19 of Schedule 1 to the said Act of 1974 shall, notwithstanding the repeal of those provisions by the Employment Protection Act 1975, continue to apply to dismissals where the effective date of termination falls before 1st June 1976.
- (3) Where the notice required to be given by an employer to terminate a contract of employment by section 49(1) would, if duly given when notice of termination was given by the employer, or (where no notice was given) when the contract of employment was terminated by the employer, expire on a date later than the effective date of termination as defined by section 55(4), that later date shall be treated as the effective date of termination for the purposes of sub-paragraphs (1) and (2).
- 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.

Redundancy

- 11 (1) The repeal by this Act of any provision of the Redundancy Payments Act 1965 and of any enactment amending that Act shall not have effect in relation to dismissals and to lay-off and short-time where the relevant date falls before 1st June 1976, and, accordingly, a person's entitlement to or the computation of a redundancy payment or the reference of questions to industrial tribunals concerning such entitlement or computation in cases where the relevant date falls before 1st June 1976 shall continue to be determined as if this Act were not in force.
- (2) Where the notice required to be given by an employer to terminate a contract of employment by section 49 would, if duly given when notice of termination was given by the employer, or (where no notice was given) when the contract of employment was terminated by the employer, expire on a date later than the relevant date as defined by section 90(1), that later date shall be treated as the relevant date for the purposes of sub-paragraph (1).
- 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.
- 13 Sections 104 and 107 shall have effect in relation to an offence committed before 17th July 1978 as if—

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- (a) for each reference to the prescribed sum in subsection (9) of section 104 and subsection (4) of section 107 there were substituted a reference to £100, and
- (b) subsection (10) of section 104 and subsection (5) of section 107 were omitted.

14 Schedule 5 shall have effect as if there were added at the end the following paragraph—

“5 The Boards of Governors of the hospitals specified in Schedule 1 to the National Health Service (Preservation of Boards of Governors) Order 1974.”.

This paragraph shall cease to have effect on 22nd February 1979 or, if the said Order of 1974 is revoked on an earlier date, on that date.

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.

Calculation of a week's pay

- 16 Paragraph 8 of Schedule 14 shall have effect—
- (a) for the purpose of calculating an additional award of compensation in any case where the date by which the order for re-instatement or re-engagement was required to be complied with fell before 1st February 1978 ;
 - (b) for the purpose of calculating a basic award of compensation in any case where the effective date of determination (as defined by subsection (5) of section 55 or, if the case is not within that subsection, by subsection (4) of that section) fell before 1st February 1978 ;
 - (c) in relation to a claim for a redundancy payment, where the relevant date fell before 1st February 1978,
- as if for each reference to £100 there were substituted a reference to £80.

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

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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.

House of Commons staff

- 19 Section 122 of the Employment Protection Act 1975 shall, until 1st January 1979, have effect as if it applied the enactments which are mentioned in subsection (1) of section 139 of this Act to relevant members of the House of Commons staff (within the meaning of the said section 122).