

Status: Point in time view as at 01/02/1991.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 16. (See end of Document for details)

SCHEDULES

SCHEDULE 16 **U.K.**

Section 159.

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of Sch. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991
- C2** Sch. 16: amendments and repeals to [Trade Union Act 1913 \(c. 30\)](#) extended (N.I.) (1.7.1992) by [S.I. 1992/807 \(N.I. 5\)](#), [art. 67\(2\)\(d\)](#); [S.R. 1992/212](#), [art. 2\(3\)](#).

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F1₁

Textual Amendments

- F1** Sch. 16 para. 1 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. II](#)

Trade Union Act 1913 (2 & 3 Geo. 5. c.30)

- 2 In section 5A of the Trade Union Act 1913, for the words “section 88(2) of the Employment Protection Act 1975” there are substituted the words “section 136(2) of the Employment Protection (Consolidation) Act 1978”.

Iron and Steel Act 1949 (12, 13 & 14 Geo. 6. c.72)

- 3 (1) In section 40 of the Iron and Steel Act 1949, in subsection (3), for the words from “a tribunal” to the end there are substituted the words “an industrial tribunal.”
- (2) In section 41 of the said Act of 1949, in subsection (3), for the words from “a tribunal” to the end there are substituted the words “an industrial tribunal”.

Industrial Training Act 1964 (c.16)

- 4 (1) F2
- (2) For subsection (1) of section 12 of the said Act of 1964 there is substituted the following subsection—

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“(1) A person assessed to levy imposed under this Act may appeal to an industrial tribunal.”.

Textual Amendments

F2 Sch. 16 para. 4(1) repealed by [Industrial Training Act 1982 \(c. 10, SIF 43:1\)](#), [Sch. 4](#)

Trade Union (Amalgamations, etc.) Act 1964 (c.24)

5 In section 4(8) of the Trade Union (Amalgamations, etc.) Act 1964, for the words “section 88(2) of the Employment Protection Act 1975” there are substituted the words “section 136(2) of the Employment Protection (Consolidation) Act 1978”.

Transport Act 1968 (c.73)

6 In section 135(4)(b) of the Transport Act 1968, for the words from “a tribunal” to the end there are substituted the words “an industrial tribunal.”.

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F37

Textual Amendments

F3 Sch. 16 para. 7 repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(b\)](#), [Sch. 7](#)

Post Office Act 1969 (c.48)

8 In paragraph 33 of Schedule 9 to the Post Office Act 1969—
(a) in sub-paragraph (1) for the words “sections 1 and 2 of the Contracts of Employment Act 1963, Schedule 1” there are substituted the words “sections 49 and 50 and Part VI of the Employment Protection (Consolidation) Act 1978, Schedule 13”, for the words “the said Act of 1963” there are substituted the words “the said Act of 1978”; and for the words “twenty-one hours” there are substituted the words “sixteen hours”;
(b) in sub-paragraph (2), for the words “Schedule 1 to the said Act of 1963” there are substituted the words “Schedule 13 to the said Act of 1978”;
(c) in sub-paragraph (3), for the words “7 of Schedule 2 to the said Act of 1963” there are substituted the words “10 of Schedule 14 to the said Act of 1978” and for the words from “paragraph 10” to the end there are substituted the words “Schedule 13 to that Act shall be construed as a reference to that Schedule as it has effect by virtue of sub-paragraph (1) above.”;
(d) in sub-paragraph (4), for the words “the said Act of 1963” and “Schedule 1” there are substituted respectively the words “the said Act of 1978” and “Schedule 13”;

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(e) at the end there is added the following sub-paragraph—

“(6) This paragraph applies notwithstanding the provisions of section 99 of the Employment Protection (Consolidation) Act 1978.”.

F49

Textual Amendments

F4 Sch. 16 paras. 9, 14 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, [Sch. 31](#)

Atomic Energy Authority Act 1971 (c.11)

- 10 (1) In subsection (1) of section 10 of the Atomic Energy Authority Act 1971, for the words “section 22 of the Redundancy Payments Act 1965” there are substituted the words “section 93 of the Employment Protection (Consolidation) Act 1978”.
- (2) In subsection (2) of the said section 10—
- (a) for the words “section 4 of the Contracts of Employment Act 1963” there are substituted the words “sections 1 to 4 of the Employment Protection (Consolidation) Act 1978”;
 - (b) for the words “subsection (8) of that section”, in both places where they occur, there are substituted the words “section 5 of the said Act of 1978”;
 - (c) for the words “the said section 4” there are substituted the words “the said sections 1 to 4”.
- (3) In subsection (3) of the said section 10—
- (a) for the words “Section 4A(1) of the Contracts of Employment Act 1963” there are substituted the words “Section 11 of the Employment Protection (Consolidation) Act 1978”;
 - (b) for the words “section 4” there are substituted the words “sections 1 to 4”.
- (4) In subsection (4) of the said section 10—
- (a) for the words from the beginning to “Redundancy Payments Act 1965” there are substituted the words “For the purposes of Schedule 13 to the said Act of 1978 (computation of period of employment)”;
 - (b) for the words “paragraph 10” there are substituted the words “paragraph 17”.

Tribunals and Inquiries Act (c.62)

- 11 In section 13 of the Tribunals and Inquiries Act 1971, the following subsection is inserted after subsection (1)—
- “(1A) Subsection (1) of this section shall not apply in relation to proceedings before industrial tribunals which arise under or by virtue of any of the enactments

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mentioned in section 136(1) of the Employment Protection (Consolidation) Act 1978.”.

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 F⁵12

Textual Amendments

F5 Sch. 16 para. 12 repealed by Civil Aviation Act 1982 (c. 16, SIF 9), Sch. 16

Transport Holding Company Act 1972 (c.14)

- 13 (1) In section 2(3)(c) of the Transport Holding Company Act 1972, for the words from “a tribunal” to the end there are substituted the words “an industrial tribunal.”.
- (2) In section 2(7) of the said Act of 1972, for the words “a tribunal established under section 12 of the Industrial Training Act 1964” there are substituted the words “an industrial tribunal”.

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 F⁶14

Textual Amendments

F6 Sch. 16 paras. 9, 14 repealed by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, Sch. 31

British Library Act 1972 (c.54)

- 15 In paragraph 13(3)(a) of the Schedule to the British Library Act 1972, for the words “the Acts of 1963 and 1965” there are substituted the words “the Employment Protection (Consolidation) Act 1978”.

Gas Act 1972 (c.60)

- 16 In section 36(5) of the Gas Act 1972, for the words from “a tribunal” to the end there are substituted the words “an industrial tribunal.”.

Health and Safety at Work etc. Act 1974 (c.37)

- 17 The following subsection is inserted in section 80 of the Health and Safety at Work etc. Act 1974 after subsection (2)—

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“(2A) Subsection (1) above shall apply to provisions in the Employment Protection (Consolidation) Act 1978 which re-enact provisions previously contained in the Redundancy Payments Act 1965, the Contracts of Employment Act 1972 or the Trade Union and Labour Relations Act 1974 as it applies to provisions contained in Acts passed before or in the same Session as this Act.”.

Trade Union and Labour Relations Act 1974 (c.52)

- 18 In section 8(7) of the Trade Union and Labour Relations Act 1974, for the words “section 88(3) of the Employment Protection Act 1975” there are substituted the words “section 136(3) of the Employment Protection (Consolidation) Act 1978”.

Social Security Act 1975 (c.14)

- 19 (1) In section 114 of the Social Security Act 1975, the following subsection is inserted after subsection (2)—

“(2A) It is hereby declared for the avoidance of doubt that the power to make regulations under subsection (1) above includes power to make regulations for the determination of any question arising as to the total or partial recoupment of unemployment benefit in pursuance of regulations under section 132 of the Employment Protection (Consolidation) Act 1978 (including any decision as to the amount of benefit).”.

(2) F7

Textual Amendments

F7 Sch. 16 para. 19(2) repealed by [Social Security Act 1980 \(c. 30, SIF 113:1\)](#), [Sch. 5 Pt. II](#)

Sex Discrimination Act 1975 (c.65)

- 20 (1) In section 65(2) of the Sex Discrimination Act 1975, for the words “paragraph 20 of Schedule 1 to the Trade Union and Labour Relations Act 1974” there are substituted the words “section 75 of the Employment Protection (Consolidation) Act 1978”.
- (2) In section 75(5)(c) of the said Act of 1975 for the words “paragraph 21 of Schedule 1 to the Trade Union and Labour Relations Act 1974.” there are substituted the words “paragraph 1 of Schedule 9 to the Employment Protection (Consolidation) Act 1978.”.

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[^{F8} Scottish Development Agency Act 1975 (c.69)]

Textual Amendments

F8 Sch. 16 para. 21 repealed (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), Sch. 5 Pt. I

21 In paragraph 6 of Schedule 3 to the Scottish Development Agency Act 1975, for sub-paragraphs (a), (b) and (c) there are substituted the words “the Employment Protection (Consolidation) Act 1978”.

Welsh Development Agency Act 1975 (c.70)

22 In paragraph 7 of Schedule 2 to the Welsh Development Agency Act 1975, for sub-paragraphs (a), (b) and (c) there are substituted the words “the Employment Protection (Consolidation) Act 1978”.

Employment Protection Act 1975 (c.71)

23 (1) The Employment Protection Act 1975 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 6(2)—

- (a) the words from “in relation to” to “that is to say” shall be omitted;
- (b) for the words “section 57 below; and” there are substituted the words “section 27 of the Employment Protection (Consolidation) Act 1978, including guidance on the circumstances in which a trade union official is to be permitted to take time off under that section in respect of duties connected with industrial action; and”;
- (c) for the words “section 58 below” there are substituted the words “section 28 of the said Act of 1978, including guidance on the question whether, and the circumstances in which, a trade union member is to be permitted to take time off under that section for trade union activities connected with industrial action.”.

(3) In section 8(9), for the words “section 88(3) below” there are substituted the words “section 136(3) of the Employment Protection (Consolidation) Act 1978”.

(4) In section 102(4), for the words “Schedule 2 to the Contracts of Employment Act 1972” there are substituted the words “Schedule 3 to the Employment Protection (Consolidation) Act 1978”, and for the words “section 1(1)” there are substituted the words “section 49(1)”.

(5) ^{F9}

(6) In section 106(3), for the words from the beginning to “Redundancy Payments Act 1965” there are substituted the words “Schedule 14 to the Employment Protection (Consolidation) Act 1978 shall apply for the calculation of a week’s pay for the

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purposes of section 102 above, and, for the purposes of Part II of that Schedule, the calculation date is—

(a) in the case of an employee who was dismissed before the date on which the protective award was made, the date which by virtue of paragraph 7(1)(k) or (l) of the said Schedule 14”.

(7) In section 108(1), for the words “paragraph 21 of Schedule 1 to the 1974 Act” there are substituted the words “paragraph 1 of Schedule 9 to the Employment Protection (Consolidation) Act 1978”.

(8) In section 119(1), for the words “Parts II and IV of this Act apply” there are substituted the words “Part IV of this Act applies”.

^{F10}(9)

(10) In section 121(5), for the words “Schedule 3 to the Redundancy Payments Act 1965” there are substituted the words “Schedule 5 to the Employment Protection (Consolidation) Act 1978”.

(11) In section 121(6) and (7), for the words “section 41(3) of the Redundancy Payments Act 1965” there are substituted the words “section 111(3) of the Employment Protection (Consolidation) Act 1978”.

(12) In section 125(1) for the words from the beginning to “Part III of that Schedule” there are substituted the words “The provisions of the 1974 Act specified in Part III of Schedule 16 to this Act”.

(13) In section 126(1), for the words “paragraph 5 of Schedule 1 to the 1974 Act” there are substituted the words “section 55 of the Employment Protection (Consolidation) Act 1978”.

Textual Amendments

F9 Sch. 16 para. 23(5) repealed by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), [Sch. 5 Pt. I](#)

F10 Sch. 16 para. 23(9) repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 4](#)

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^{F11}24

Textual Amendments

F11 Sch. 16 para. 24 repealed by [New Towns Act 1981 \(c. 64, SIF 123:3\)](#), [Sch. 13](#)

Race Relations Act 1976 (c.74)

25 (1) The Race Relations Act 1976 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 56(2) for the words “paragraph 20 of Schedule 1 to the Trade Union and Labour Relations Act 1974” there are substituted the words “section 75 of the Employment Protection (Consolidation) Act 1978”.

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- (3) In section 66(7) for the words “paragraph 21 of Schedule 1 to the Trade Union and Labour Relations Act 1974” there are substituted the words “paragraph 1 of Schedule 9 to the Employment Protection (Consolidation) Act 1978”.
- (4) In paragraph 11 of Schedule 2—
- (a) in sub-paragraph (3) for the words “the Redundancy Payments Act 1965” there are substituted the words “Part VI of the Employment Protection (Consolidation) Act 1978”;
- (b) for sub-paragraph (4)(a) and (b) there is substituted the following paragraph—
- “(a) the Employment Protection (Consolidation) Act 1978 except Part VI of that Act;”.

Development of Rural Wales Act 1976 (c.75)

- 26 In both paragraph 6 of Schedule 2 and paragraph 6 of Schedule 6 to the Development of Rural Wales Act 1976, for sub-paragraphs (a), (b) and (c) there are substituted the words “the Employment Protection (Consolidation) Act 1978”.

27 ^{F12}(1)

^{F13}(2)

Textual Amendments

F12 Sch. 16 para. 27(1) repealed by Dock Work Act 1989 (c. 13, SIF 43:1), s. 7(1), **Sch. 1 Pt. I**

F13 Sch. 16 para. 27(2) repealed by Dock Work Act 1989 (c. 13, SIF 43:1), ss. 7(1), 8(2)(4), **Sch. 1 Pt. II**

Aircraft and Shipbuilding Industries Act 1977 (c.3)

- 28 In both section 49(10) and section 50(3)(b) of the Aircraft and Shipbuilding Industries Act 1977, for the words “a tribunal established under section 12 of the Industrial Training Act 1964 or, as the case may require” there are substituted the words “an industrial tribunal or, as the case may require, a tribunal established under”.

Social Security (Miscellaneous Provisions) Act 1977 (c.5)

- 29 In section 18 of the Social Security (Miscellaneous Provisions) Act 1977—
- (a) in subsection (1)(c), for “Act 1975” there shall be substituted “(Consolidation) Act 1978”;
- (b) in subsection (2)(a), for the words “section 43 of the Employment Protection Act 1975” there are substituted the words “section 40 of the Employment Protection (Consolidation) Act 1978”;

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- (c) in subsection (2)(b), for “64(3)(a)” and “45(1)” there are substituted “122(3)(a)” and “42(1)” respectively;
- (d) in subsection (2)(e), for the words “that Act” there are substituted the words “the Employment Protection Act 1975”.

New Towns (Scotland) Act 1977 (c.16)

30 In section 3(6) of the New Towns (Scotland) Act 1977 for paragraphs (a), (b) and (c) there are substituted the words “Parts I, IV, V and VI of the Employment Protection (Consolidation) Act 1978”.

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F1431

Textual Amendments

F14 Sch. 16 para. 31 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), s. 3, Sch. 1 Pt. I](#)

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F1532

Textual Amendments

F15 Sch. 16 para. 32 repealed by [Housing and Building Control Act 1984 \(c. 29, SIF 61\), s. 61\(2\), Sch. 12 Pt. I](#)

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F1633

Textual Amendments

F16 Sch. 16 para. 33 repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), Sch. 1 Pt. IV](#)

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

34 In paragraph 1 of Schedule 2 to the House of Commons (Administration) Act 1978, after the words “the Employment Protection Act 1975” there are inserted the words “and section 139 of the Employment Protection (Consolidation) Act 1978”.

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