



Employment Protection (Consolidation) Act 1978

CHAPTER 44

EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978

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Adaptation of unfair dismissal provisions

2 (1) Section 57 shall have effect as if for subsection...

PART II — REDUNDANCY PAYMENTS

Introductory

3 References in this Part to provisions of this Act relating...

Adaptation of redundancy payments provisions

4 (1) References in Part VI of this Act shall be...

Prior redundancy

5 If, in proceedings arising out of a failure to permit...

PART III — GENERAL

Dismissal during period of absence

6 (1) This paragraph applies to the dismissal of an employee...

Power to amend or modify

7 (1) The Secretary of State may by order amend the...

SCHEDULE 3 — Rights of Employee in Period of Notice

Preliminary

1 In this Schedule the "period of notice " means the...

Employments for which there are normal working hours

2 (1) If an employee has normal working hours under the...

Employments for which there are no normal working hours

3 (1) If an employee does not have normal working hours...

Sickness or industrial injury benefit

4 (1) The following provisions of this paragraph shall have effect...

Absence on leave granted at request of employee

5 The employer shall not be liable under the foregoing provisions...

Notice given before a strike

6 No payment shall be due under this Schedule in consequence...

Termination of employment during period of notice

7 (1) If, during the period of notice, the employer breaks...

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1 The amount of a redundancy payment to which an employee...

2 Subject to paragraphs 3 and 4, the amount of the...

- 3 Where, in reckoning the number of years of employment in...
- 4 (1) Where in the case of an employee the relevant...
- 5 For the purposes of any provision contained in Part VI...
- 6 The preceding provisions of this Schedule shall have effect without...
- 7 Where the relevant date does not occur on a Saturday,...

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- 1 A Regional Health Authority, Area Health Authority, special health authority,...
- 2 The Dental Estimates Board.
- 3 Any joint committee constituted under section 13(8) of the National...
- 4 The Public Health Laboratory Service Board.

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PART I — REBATES IN RESPECT OF REDUNDANCY PAYMENTS

- 1 Subject to sections 104(7) and 108 and to the following...
- 2 Where the amount of the redundancy payment, calculated in accordance...
- 3 (1) The provisions of this paragraph shall have effect in...
- 4 Where the amount of a redundancy payment or part of...

PART II — REBATES IN RESPECT OF OTHER PAYMENTS

Introductory

- 5 The provisions of this Part shall have effect for the...
- 6 In this Part " the agreement ", in relation to...
- 7 In this Part any reference to the amount of the...

Method of calculation

- 8 Subject to sections 104(7) and 108, and to the following...
- 9 For the purposes of paragraph 8, Schedule 13 shall have...
- 10 Where the amount of the agreed payment is less than...
- 11 Where the amount of the relevant redundancy payment calculated in...

Savings

- 12 (1) This Schedule shall have effect in relation to redundancy...

Power to modify paragraphs 1,2,8 and 11

- 13 (1) The Secretary of State may from time to time...

SCHEDULE 7 — Calculation of Payments to Employees out of Redundancy Fund

- 1 (1) Where the employer's payment is a redundancy payment, the...
- 2 (1) The provisions of this paragraph shall have effect for...

SCHEDULE 8 — Employees Paid by virtue of Statutory Provision by Person other than Employer

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- 1 (1) The Secretary of State may by regulations (in this...

National security

- 2 (1) If on a complaint under section 24 or 67...

Payment of certain sums into Redundancy Fund

- 3 Any sum recovered by the Secretary of State in pursuance...

Exclusion of Arbitration Act 1950

- 4 The Arbitration Act 1950 shall not apply to any proceedings...

Presumption as to dismissal for redundancy

- 5 Where in accordance with the regulations an industrial tribunal determines...

Right of appearance

- 6 Any person may appear before an industrial tribunal in person...

Recovery of sums awarded

- 7 (1) Any sum payable in pursuance of a decision of...

Constitution of tribunals for certain cases

- 8 An industrial tribunal hearing an application under section 77 or...

Remuneration for presidents and full-time chairmen of industrial tribunals

- 9 The Secretary of State may pay such remuneration as he...

Remuneration etc. for members of industrial tribunals and for assessors and other persons

- 10 The Secretary of State may pay to members of industrial...

Pensions for full-time presidents or chairmen of industrial tribunals

- 11 (1) The Secretary of State may from time to time...

SCHEDULE 10 — Statutory Provisions Relating to Referees and Boards of Referees

- 1 Regulations under section 37 of the Coal Industry Nationalisation Act...
2 Regulations under section 67 of the National Insurance Act 1946...
3 Regulations under section 68 of the National Health Service Act...
4 Regulations under section 67 of the National Health Service
(Scotland)...
5 Regulations under Schedule 5 to the Fire Services Act 1947...
6 Regulations under section 101 of the Transport Act 1947.
7 Subsections (3) and (5) of section 54 of the Electricity...
8 Regulations under section 140 of the Local Government Act 1948,...
9 Regulations under subsection (1) or subsection (2) of section 60...
10 Rules under section 3 of the Superannuation (Miscellaneous Provisions)
Act...
11 Subsections (3) and (5) of section 58 of the Gas...
12 Subsection (4) of section 6 of the Commonwealth Telegraphs Act...
13 Regulations under section 25 of the Prevention of Damage by...
14 Regulations under section 42 of the Justices of the Peace...

- 15 Regulations under section 27 or section 28 of the Transport...
- 16 Regulations under section 24 of the Iron and Steel Act...
- 17 Regulations under section 12 of the Electricity Reorganisation
(Scotland) Act...
- 18 Orders under section 23 of the Local Government Act 1958...
- 19 Regulations under section 1 of the Water Officers Compensation Act...
- 20 Regulations under section 18(6) of the Land Drainage Act 1961....
- 21 Subsection (6) of section 74 of the Transport Act 1962...
- 22 Orders under section 84 of the London Government Act 1963...
- 23 Regulations under section 106 of the Water Resources Act 1963....

SCHEDULE 11 — Employment Appeal Tribunal

PART I — PROVISIONS AS TO MEMBERSHIP, SITTINGS, PROCEEDINGS AND
POWERS

Tenure of office of appointed members of Appeal Tribunal

- 1 Subject to paragraphs 2 and 3, a member of the...
- 2 An appointed member may at any time resign his membership...
- 3 (1) If the Lord Chancellor, after consultation with the Secretary...

Temporary membership of Appeal Tribunal

- 4 At any time when the office of President of the...
- 5 At any time when a judge of the Appeal Tribunal...
- 6 At any time when a judge of the Appeal Tribunal...
- 7 At any time when an appointed member is temporarily absent...
- 8 (1) At any time when it appears to the Lord...
- 9 A person appointed to act temporarily in place of the...
- 10 A person appointed to be a temporary additional judge of...
- 11 No judge shall be nominated under paragraph 5 or 6...

Organisation and sittings of Appeal Tribunal

- 12 The Appeal Tribunal shall be a superior court of record...
- 13 The Appeal Tribunal shall have a central office in London....
- 14 The Appeal Tribunal may sit at any time and in...
- 15 The Appeal Tribunal may sit, in accordance with directions given...
- 16 With the consent of the parties to any proceedings before...

Rules

- 17 (1) The Lord Chancellor, after consultation with the Lord President...
- 18 Without prejudice to the generality of paragraph 17 the rules...
- 19 (1) Without prejudice to the generality of paragraph 17 the...
- 20 Any person may appear before the Appeal Tribunal in person...

Powers of Tribunal

- 21 (1) For the purpose of disposing of an appeal the...
- 22 (1) The Appeal Tribunal shall, in relation to the attendance...
- 23 (1) In relation to any fine imposed by the Appeal...

Staff

- 24 The Secretary of State may appoint such officers and servants...

PART II — SUPPLEMENTARY

Remuneration and allowances

- 25 The Secretary of State shall pay the appointed members of...
26 A person appointed to be a temporary additional judge of...

Pensions, etc.

- 27 If the Secretary of State determines, with the approval of...
28 Where a person ceases to be an appointed member otherwise...

SCHEDULE 12 — Death of Employee or Employer

PART I — GENERAL

Introductory

- 1 In this Schedule " the relevant provisions " means Part...

Institution or continuance of tribunal proceedings

- 2 Where an employee or employer has died, tribunal proceedings arising...
3 (1) If there is no personal representative of a deceased...
4 (1) Subject to any specific provision of this Schedule to...

Rights and liabilities accruing after death

- 5 Any right arising under any of the relevant provisions as...
6 Where by virtue of any of the relevant Provisions as...

PART II — UNFAIR DISMISSAL

Introductory

- 7 In this Part of this Schedule "the unfair dismissal provisions"...

Death during notice period

- 8 Where an employer has given notice to an employee to...
9 Where the employee's contract of employment has been terminated by...

Remedies for unfair dismissal

- 10 Where an employee has died, then, unless an order for...
11 If an order for reinstatement or re-engagement has been made...
PART III — REDUNDANCY PAYMENTS: DEATH OF EMPLOYER

Introductory

- 12 The provisions of this Part shall have effect in relation...
13 Section 94 shall not apply to any change whereby the...

Dismissal

- 14 Where by virtue of subsection (1) of section 93 the...
15 Where by reason of the death of the deceased employer...
16 For the purposes of section 82 as modified by paragraph...

Lay-off and short-time

- 17 Where the employee has before the death of the deceased...
 18 The provisions of paragraph 19 or (as the case may...
 19 If in the circumstances specified in paragraph IS the employee's...
 20 (1) The provisions of this paragraph shall have effect where,...

Continuity of period of employment

- 21 For the purpose of the application, in accordance with section...
 PART IV — REDUNDANCY PAYMENTS : DEATH OF EMPLOYEE
 22 (1) Where an employer has given notice to an employee...
 23 (1) Where an employer has given notice to an employee...
 24 Where an employee's contract of employment has been renewed, or...
 25 (1) Where in the circumstances specified in paragraphs (a) and...
 26 (1) Where an employee has given notice of intention to...
 27 (1) In relation to the making of a claim by...
 28 In relation to any case where, under any provision contained...

SCHEDULE 13 — Computation of Period of Employment

Preliminary

- 1 (1) Where an employee's period of employment is, for the...
 2 Except so far as otherwise provided by the following provisions...

Normal working weeks

- 3 Any week in which the employee is employed for sixteen...

Employment governed by contract

- 4 Any week during the whole or part of which the...
 5 (1) If the employee's relations with his employer cease to...
 6 (1) An employee whose relations with his employer are governed,...
 7 (1) If an employee has, at any time during the...

Orders under section 7

- 8 The foregoing provisions of this Schedule shall have effect subject...

Periods in which there is no contract of employment

- 9 (1) If in any week the employee is, for the...

Maternity

- 10 If an employee returns to work in accordance with section...

Intervals in employment where section 55(5) or 84(1) or 90(3) applies

- 11 (1) In ascertaining, for the purposes of section 64(1)(a)...

Payment of previous redundancy payment or equivalent payment

- 12 (1) Where the conditions mentioned in sub-paragraph (2)(a) or (2)(b)...

Certain weeks of employment to be disregarded for purposes of Schedule 4

13 In ascertaining for the purposes of Schedule 4 the period...

Redundancy payments: employment wholly or partly abroad

14 (1) In computing in relation to an employee the period...

Industrial disputes

15 (1) A week shall not count under paragraph 3, 4,...

Reinstatement after service with the armed forces, etc.

16 (1) If a person who is entitled to apply to...

Change of employer

17 (1) Subject to this paragraph and paragraph 18, the foregoing...

18 If an employee of an employer is taken into the...

Crown employment

19 (1) Subject to the following provisions of this paragraph, the...

Reinstatement or re-engagement of dismissed employee

20 (1) Regulations made by the Secretary of State may make...

Employment before the commencement of Act

21 Save as otherwise expressly provided, the provisions of this Schedule...

22 If, in any week beginning before 6th July 1964, the...

23 Without prejudice to the foregoing provisions of this Schedule, any...

Interpretation

24 (1) In this Schedule, unless the context otherwise requires.— "...

SCHEDULE 14 — Calculation of Normal Working Hours and a Week's Pay

PART I — NORMAL WORKING HOURS

1 For the purposes of this Schedule the cases where there...

2 If in such a case— (a) the contract of employment...

PART II — A WEEK'S PAY

Employments for which there are normal working hours

3 (1) This paragraph and paragraph 4 shall apply if there...

4 (1) This paragraph shall apply if there are normal working...

5 (1) For the purpose of paragraphs 3 and 4, in...

Employments for which there are no normal working hours

6 (1) This paragraph shall apply if there are no normal...

The calculation date

7 (1) For the purposes of this Part, the calculation date...

Maximum amount of week's pay for certain purposes

- 8 (1) Notwithstanding the preceding provisions of this Schedule, the amount...

Supplemental

- 9 In any case in which an employee has not been...
10 In arriving at an average hourly rate or average weekly...
11 Where under this Part account is to be taken of...
12 The Secretary of State may by regulations provide that in...

SCHEDULE 15 — Transitional Provisions and Savings

General

- 1 So far as anything done or treated as done under...
2 Where any period of time specified in an enactment repealed...
3 Nothing in this Act shall affect the enactments repealed by...
4 Any reference in an enactment or document, whether express or...
5 Paragraphs 1 to 4 have effect subject to the following...

Guarantee payments

- 6 Section 15(1) shall have effect in relation to any day...

Maternity pay

- 7 No employee is entitled to receive maternity pay in respect...

Termination of employment

- 8 Sections 49 and 50 apply in relation to any contract...

Unfair dismissal

- 9 (1) The repeal by this Act of the provisions relating...
10 (1) Section 54 does not apply to a dismissal from...

Redundancy

- 11 (1) The repeal by this Act of any provision of...
12 Section 81 shall not apply to an employee who immediately...
13 Sections 104 and 107 shall have effect in relation to...
14 Schedule 5 shall have effect as if there were added...

Insolvency

- 15 (1) Subject to sub-paragraph (2), the provisions of sections 122...

Calculation of a week's pay

- 16 Paragraph 8 of Schedule 14 shall have effect—

Computation of period of continuous employment

- 17 For the purposes of the computation of a period of...

Legal proceedings

18 Notwithstanding the repeal of any enactment by this Act, the...

House of Commons staff

19 Section 122 of the Employment Protection Act 1975 shall, until...

SCHEDULE 16 — Consequential Amendments

House of Commons Offices Act 1846 (9 & 10 Vict. c.77)

1 In section 5 of the House of Commons Offices Act...

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

2 In section 5A of the Trade Union Act 1913, for...

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

3 (1) In section 40 of the Iron and Steel Act...

Industrial Training Act 1964 (c. 16)

4 (1) In section 4(7) of the Industrial Training Act 1964,...

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

5 In section 4(8) of the Trade Union (Amalgamations, etc.) Act...

Transport Act 1968 (c. 73)

6 In section 135(4)(b) of the Transport Act 1968, for the...

Transport (London) Act 1969 (c.35)

7 (1) In section 37(4)(b) of the Transport (London) Act 1969,...

Post Office Act 1969 (c.48)

8 In paragraph 33 of Schedule 9 to the Post Office...

Income and Corporation Taxes Act 1970 (c.10)

9 (1) In section 412(6) of the Income and Corporation Taxes...

Atomic Energy Authority Act 1971 (c.11)

10 (1) In subsection (1) of section 10 of the Atomic...

Tribunals and Inquiries Act 1971 (c.62)

11 In section 13 of the Tribunals and Inquiries Act 1971,...

Civil Aviation Act 1971 (c.75)

12 (1) In paragraph 1 of Schedule 9 to the Civil...

Status: This is the original version (as it was originally enacted).

Transport Holding Company Act 1972 (c.14)

13 (1) In section 2(3)(c) of the Transport Holding Company Act...

Finance Act 1972 (c.41)

14 In paragraph 1(b) of Part V of Schedule 12 to...

British Library Act 1972 (c.54)

15 In paragraph 13(3)(a) of the Schedule to the British Library...

Gas Act 1972 (c.60)

16 In section 36(5) of the Gas Act 1972, for the...

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

17 The following subsection is inserted in section 80 of the...

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

18 In section 8(7) of the Trade Union and Labour Relations...

Social Security Act 1975 (c. 14)

19 (1) In section 114 of the Social Security Act 1975,...

Sex Discrimination Act 1975 (c.65)

20 (1) In section 65(2) of the Sex Discrimination Act 1975,...

Scottish Development Agency Act 1975 (c. 69)

21 In paragraph 6 of Schedule 3 to the Scottish Development...

Welsh Development Agency Act 1975 (c. 70)

22 In paragraph 7 of Schedule 2 to the Welsh Development...

Employment Protection Act 1975 (c.71)

23 (1) The Employment Protection Act 1975 shall be amended in...

New Towns (Amendment) Act 1976 (c. 68)

24 In section 13 of the New Towns (Amendment) Act 1976—...

Race Relations Act 1976 (c.74)

25 (1) The Race Relations Act 1976 shall be amended in...

Development of Rural Wales Act 1976 (c. 75)

26 In both paragraph 6 of Schedule 2 and paragraph 6...

Dock Work Regulation Act 1976 (c. 79)

27 (1) In section 14(7) of the Dock Work Regulation Act...

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

28 In both section 49(10) and section 50(3)(b) of the Aircraft and...

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

29 In section 18 of the Social Security (Miscellaneous Provisions) Act...

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

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

Housing (Homeless Persons) Act 1977 (c. 48)

31 In section 14(4) of the Housing (Homeless Persons) Act 1977—...

National Health Service Act 1977 (c. 49)

32 In paragraph 13(1)(6) of Schedule 14 to the National Health...

Scotland Act 1978 (c. 00)

33 In section 33 of the Scotland Act 1978—

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

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

SCHEDULE 17 — Repeals