

*Status: Point in time view as at 06/02/1995. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, SCHEDULE 13. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 13

Section 151.

#### COMPUTATION OF PERIOD OF EMPLOYMENT

##### Modifications etc. (not altering text)

- C1** Sch. 13 extended by Employment Protection Act 1975 (c.71, SIF 43:1), s. 119(7) (as amended by Employment Act 1982 (c. 46, SIF 43:5), s. 20, **Sch. 2 para. 6(1)**); modified by Crown Agents Act 1979 (c. 43, SIF 57), s. 1, **Sch. 1 para. 13(3)**, New Towns Act 1981 (c. 64, SIF 123:3), s. 54(5), Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **Sch. 13 para. 8(4)** and Civil Aviation Act 1982 (c. 16, SIF 9), s. 22, **Sch. 3 para. 6(1)**
- C2** Sch. 13 modified (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 11(5), Local Government Act 1985 (c. 51, SIF 81:1), s. 54(2), Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 5(2), **Sch. 4 para. 7(2)(b)** and National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 7(2)(d)
- C3** Sch. 13 modified by Pilotage Act 1987 (c. 21, SIF 111), s. 25(6)(a), Education Reform Act 1988 (c. 40, SIF 41:1), ss. 174(2), 231(7), 235(6), Electricity Act 1989 (c. 29, SIF 44:1), ss. 56(3), 104, 105, 112(3), Sch. 14 para. 4(1), Sch. 15 para. 4(1), **Sch. 17 para. 35(1)** and National Health Service (Scotland) Act 1978 (c. 29, SIF 113:2), s. 12C (as added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 31)
- C4** Sch. 13 modified (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), s. 339(1), **Sch. 22 Pt. II para. 10(2)(b)**

##### *Preliminary*

- [<sup>F1</sup>1 (1) Except so far as otherwise provided by the following provisions of this Schedule, a week which does not count under paragraphs 3 to 12 breaks the continuity of the period of employment.
- (2) The provisions of this Schedule apply, subject to paragraph 14, to a period of employment notwithstanding that during that period the employee was engaged in work wholly or mainly outside Great Britain, or was excluded by or under this Act from any right conferred by this Act.
- (3) A person's employment during any period shall, unless the contrary is shown, be presumed to have been continuous.]

##### Textual Amendments

- F1** Para. 1 substituted for paras. 1, 2 with saving by Employment Act 1982 (c. 46, SIF 43:5), s. 20, **Sch. 2 para. 7(2)**

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*Normal working weeks*

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 F<sup>2</sup><sub>3</sub>

**Textual Amendments**

**F2** Sch. 13 para. 3 repealed (6.2.1995) by S.I. 1995/31, regs. 4(1)(a), 6, **Sch.**

*Employment governed by contract*

4 Any week during the whole or part of which the employee's relations with the employer are governed by a contract of employment <sup>F3</sup> . . . shall count in computing a period of employment.

**Textual Amendments**

**F3** Words in Sch. 13 para. 4 repealed (6.2.1995) by S.I. 1995/31, regs. 4(1)(b), 6, **Sch.**

.....  
 F<sup>4</sup><sub>5</sub>

**Textual Amendments**

**F4** Sch. 13 para. 5 repealed (6.2.1995) by S.I. 1995/31, regs. 4(1)(c), 6, **Sch.**

.....  
 F<sup>5</sup><sub>6</sub>

**Textual Amendments**

**F5** Sch. 13 para. 6 repealed (6.2.1995) by S.I. 1995/31, regs. 4(1)(c), 6, **Sch.**

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 F<sup>6</sup><sub>7</sub>

**Textual Amendments**

**F6** Sch. 13 para. 7 repealed (6.2.1995) by S.I. 1995/31, regs. 4(1)(c), 6, **Sch.**

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*Power to amend paragraphs 3 to 7 by order*

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F78

**Textual Amendments**

F7 Sch. 13 para. 8 repealed (6.2.1995) by S.I. 1995/31, regs. 4(1)(c), 6, Sch.

*Periods in which there is no contract of employment*

- 9 (1) If in any week the employee is, for the whole or part of the week—
- (a) incapable of work in consequence of sickness or injury, or
  - (b) absent from work on account of a temporary cessation of work, or
  - (c) absent from work in circumstances such that, by arrangement or custom, he is regarded as continuing in the employment of his employer for all or any purposes, or
  - (d) absent from work wholly or partly because of pregnancy or [F8 childbirth],
- that week shall, notwithstanding that it does not fall under paragraph F9 . . . 4 F10 . . . , count as a period of employment.
- (2) Not more than twenty-six weeks shall count under paragraph (a) or, subject to paragraph 10, under paragraph (d) of sub-paragraph (1) between any periods falling under paragraph F9 . . . 4 F10 . . .

**Textual Amendments**

F8 Word in Sch. 13 para. 9(1)(d) substituted (10.6.1994) by 1993 c. 19, s. 49(2), Sch. 8 para. 31(a); S.I. 1994/1365, art. 2, Sch.

F9 Word in Sch. 13 para. 9(1)(2) repealed (6.2.1995) by S.I. 1995/31, reg. 6, Sch.

F10 Words in Sch. 13 para. 9(1)(2) repealed (6.2.1995) by S.I. 1995/31, reg. 6, Sch.

*Maternity*

- 10 If an employee returns to work in accordance with [F11[F12 section 39] or in pursuance of an offer made in the circumstances described in section 56A(2)] after a period of absence from work wholly or partly occasioned by pregnancy or [F12 childbirth], every week during that period shall count in computing a period of employment, notwithstanding that it does not fall under paragraph F13 . . . 4 F14 . . .

**Textual Amendments**

F11 Words substituted with saving by Employment Act 1980 (c. 42, SIF 43:5), Sch. 1 para. 31 and S.I. 1980/1170, art. 4, Sch. 3

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- F12** Words in [Sch. 13 para. 10](#) substituted (10.6.1994) by [1993 c. 19, s. 49\(2\)](#), [Sch. 8 para. 31\(b\)](#); [S.I. 1994/1365, art. 2](#), [Sch.](#)
- F13** Word in [Sch. 13 para. 10](#) repealed (6.2.1995) by [S.I. 1995/31, reg. 6](#), [Sch.](#)
- F14** Words in [Sch. 13 para. 10](#) repealed (6.2.1995) by [S.I. 1995/31, reg. 6](#), [Sch.](#)

*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)<sup>F15</sup> . . . and of section 73(3), the period for which an employee has been continuously employed, where by virtue of section 55(5) [<sup>F16</sup>or, as the case may be, (6)] a date is treated as the effective date of termination which is later than the effective date of termination as defined by section 55(4), the period of the interval between those two dates shall count as a period of employment notwithstanding that it does not otherwise count under this Schedule.
- (2) Where by virtue of section 84(1) an employee is treated as not having been dismissed by reason of a renewal or re-engagement taking effect after an interval, then, in determining for the purposes of section 81(1) or Schedule 4 whether he has been continuously employed for the requisite period, the period of that interval shall count as a period of employment except in so far as it is to be disregarded under paragraphs 12 to 14 (notwithstanding that it does not otherwise count under this Schedule).
- (3) Where by virtue of section 90(3) a date is to be treated as the relevant date for the purposes of section 81(4) which is later than the relevant date as defined by section 90(1), then in determining for the purposes of section 81(1) or Schedule 4 whether the employee has been continuously employed for the requisite period, the period of the interval between those two dates shall count as a period of employment except in so far as it is to be disregarded under paragraphs 12 to 14 (notwithstanding that it does not otherwise count under this Schedule).

**Textual Amendments**

- F15** Words in [Sch. 13 para. 11\(1\)](#) (which were inserted by [Employment Act 1980 \(c. 42, SIF 43:5\)](#), [Sch. 1 para. 32](#)) repealed (30.8.1993) by [1993 c. 19, s. 51](#), [Sch.10](#); [S.I. 1993/1908, art. 2\(1\)](#), [Sch.1](#).
- F16** Words inserted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 3 para. 29](#) with saving in [S.I. 1982/1656, Sch. 2](#)

*Payment of previous redundancy payment or equivalent payment*

- 12 (1) Where the conditions mentioned in sub-paragraph (2)(a) or (2)(b) are fulfilled in relation to a person, then in determining, for the purposes of section 81(1) or Schedule 4, whether at any subsequent time he has been continuously employed for the requisite period, or for what period he has been continuously employed, the continuity of the period of employment shall be treated as having been broken—
- (a) in so far as the employment was under a contract of employment, at the date which was the relevant date in relation to the payment mentioned in sub-paragraph (2)(a) or, as the case may be, sub-paragraph (2)(b); or

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(b) in so far as the employment was otherwise than under a contract of employment, at the date which would have been the relevant date in relation to that payment had the employment been under a contract of employment, and accordingly no account shall be taken of any time before that date.

(2) Sub-paragraph (1) has effect—

(a) where—

- (i) a redundancy payment is paid to an employee, whether in respect of dismissal or in respect of lay-off or short-time; and
- (ii) the contract of employment under which he was employed (in this section referred to as “the previous contract”) is renewed, whether by the same or another employer, or he is re-engaged under a new contract of employment, whether by the same or another employer; and
- (iii) the circumstances of the renewal of re-engagement are such that, in determining for the purposes of section 81(1) or Schedule 4 whether at any subsequent time he has been continuously employed for the requisite period, or for what period he has been continuously employed, the continuity of his period of employment would, apart from this paragraph, be treated as not having been broken by the termination of the previous contract and the renewal or re-engagement; or

(b) where—

- (i) a payment has been made, whether in respect of the termination of any person’s employment or in respect of lay-off or short-time, either in accordance with any provisions of a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 or in accordance with any such arrangements as are mentioned in section 111(3); and
- (ii) he commences new, or renewed, employment; and
- (iii) the circumstances of the commencement of the new, or renewed, employment are such that, in determining for the purposes of section 81(1) or Schedule 4 whether at any subsequent time he has been continuously employed for the requisite period, or for what period he has been continuously employed, the continuity of his period of employment would, apart from this paragraph, be treated as not having been broken by the termination of the previous employment and the commencement of the new, or renewed, employment.

(3) For the purposes of this paragraph, a redundancy payment shall be treated as having been paid if—

- (a) the whole of the payment has been paid to the employee by the employer, or, in a case where a tribunal has determined that the employer is liable to pay part (but not the whole) of the redundancy payment, that part of the redundancy payment has been paid in full to the employee by the employer, or
- (b) the Secretary of State has paid a sum to the employee in respect of the redundancy payment under section 106.

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#### Modifications etc. (not altering text)

C5 Sch. 13 para. 12 excluded (4.10.1993) by S.I. 1993/2165, reg. 5(1)

#### Marginal Citations

M1 1972 c. 11.

<sup>F17</sup>13

#### Textual Amendments

F17 Sch. 13 para. 13 repealed by Employment Act 1982 (c. 46, SIF 43:5), Sch. 4

#### *Redundancy payments: employment wholly or partly abroad*

- 14 (1) In computing in relation to an employee the period specified in section 81(4) or the period specified in paragraph 1 of Schedule 4, a week of employment shall not count if—
- (a) the employee was employed outside Great Britain during the whole or part of that week, and
  - (b) he was not during that week, or during the corresponding contribution week, —
    - <sup>F18</sup>(ia) where the week is a week of employment beginning after 1st July 1992, an employed earner for the purposes of the Social Security Contributions and Benefits Act 1992 in respect of whom a secondary Class 1 contribution was payable under that Act; or]
    - (i) where the week is a week of employment after 1st June 1976 <sup>F19</sup>and not falling within sub-paragraph (ia) above], an employed earner for the purposes of the <sup>M2</sup>Social Security Act 1975 in respect of whom a secondary Class 1 contribution was payable under that Act; or
    - (ii) where the week is a week of employment after 6th April 1975 and before 1st June 1976, an employed earner for the purposes of the Social Security Act 1975; or
    - (iii) where the week is a week of employment before 6th April 1975, an employee in respect of whom an employer's contribution was payable in respect of the corresponding contribution week;

whether or not the contribution mentioned in paragraph (i) or (iii) of this sub-paragraph was in fact paid.
- (2) For the purposes of the application of sub-paragraph (1) to a week of employment where the corresponding contribution week began before 5th July 1948, an employer's contribution shall be treated as payable as mentioned in sub-paragraph (1) if such a contribution would have been so payable if the statutory provisions relating to national insurance which were in force on 5th July 1948 had been in force in that contribution week.

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- (3) Where by virtue of sub-paragraph (1) a week of employment does not count in computing such a period as is mentioned in that sub-paragraph, the continuity of that period shall not be broken by reason only that that week of employment does not count in computing that period.
- (4) Any question arising under this paragraph whether—
- (a) an employer's contribution was or would have been payable, as mentioned in sub-paragraph (1) or (2), or
  - (b) a person was an employed earner for the purposes of the <sup>M3</sup>Social Security Act 1975 [<sup>F20</sup>or the Social Security Contributions and Benefits Act 1992] and if so whether a secondary Class 1 contribution was payable in respect of him under that Act,
- shall be determined by the Secretary of State; and any legislation (including regulations) as to the determination of questions which under that Act the Secretary of State is empowered to determine (including provisions as to the reference of questions for decision, or as to appeals, to the High Court or the Court of Session) shall apply to the determination of any question by the Secretary of State under this paragraph.
- (5) In this paragraph "employer's contribution" has the same meaning as in the <sup>M4</sup>National Insurance Act 1965, and "corresponding contribution week", in relation to a week of employment, means a contribution week (within the meaning of the said Act of 1965) of which so much as falls within the period beginning with midnight between Sunday and Monday and ending with Saturday also falls within that week of employment.
- (6) The provisions of this paragraph shall not apply in relation to a person who is employed as a master or seaman in a British ship and is ordinarily resident in Great Britain.

#### Textual Amendments

- F18** Sch. 13 para. 14(1)(b)(ia) inserted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 51(1)(a)**.
- F19** Words in Sch. 13 para. 14(1)(b)(i) inserted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 51(1)(b)**.
- F20** Words in Sch. 13 para. 14(4)(b) inserted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 51(2)**.

#### Marginal Citations

- M2** 1975 c. 14.  
**M3** 1975 c. 14.  
**M4** 1965 c. 61.

### *Industrial disputes*

- 15 (1) A week shall not count under paragraph <sup>F21</sup>. . . 4, <sup>F22</sup>. . . 9 or 10 if in that week, or any part of that week, the employee takes part in a strike.

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- (2) The continuity of an employee's period of employment is not broken by a week which does not count under this Schedule, and which begins after 5th July 1964 if in that week, or any part of that week, the employee takes part in a strike.
- (3) Sub-paragraph (2) applies whether or not the week would, apart from sub-paragraph (1), have counted under this Schedule.
- (4) The continuity of the period of employment is not broken by a week which begins after 5th July 1964 and which does not count under this Schedule, if in that week, or any part of that week, the employee is absent from work because of a lock-out by the employer.

#### Textual Amendments

- F21** Word in [Sch. 13 para. 15\(1\)](#) repealed (6.2.1995) by [S.I. 1995/31, art. 6, Sch.](#)  
**F22** Word in [Sch. 13 para. 15\(1\)](#) repealed (6.2.1995) by [S.I. 1995/31, art. 6, Sch.](#)

#### *Reinstatement after service with the armed forces, etc.*

- 16 (1) If a person who is entitled to apply to his former employer under [<sup>F23</sup>the Reserve Forces (Safeguard of Employment) Act 1985] enters the employment of that employer not later than the end of the six month period mentioned in [<sup>F24</sup>section 1(4)(b)] of that Act, his previous period of employment with that employer (or if there was more than one such period, the last of those periods) and the period of employment beginning in the said period of six months shall be treated as continuous.

<sup>F25</sup>(2) .....

#### Textual Amendments

- F23** Words substituted by [Reserve Forces \(Safeguard of Employment\) Act 1985 \(c. 17, SIF 7:2\), s. 21, Sch. 4 para. 6\(a\)](#)  
**F24** "section 1(4)(b)" substituted by [Reserve Forces \(Safeguard of Employment\) Act 1985 \(c. 17, SIF 7:2\), s. 21\(2\)\(a\), Sch. 4 para. 6\(b\)](#)  
**F25** [Sch. 13 para. 16\(2\)](#) repealed by [Reserve Forces \(Safeguard of Employment\) Act 1985 \(c. 17, SIF 7:2\), s. 21\(2\)\(b\), Sch. 5](#)

#### *Change of employer*

- 17 (1) Subject to this paragraph and [<sup>F26</sup>paragraphs 18 and 18A], the foregoing provisions of this Schedule relate only to employment by the one employer.
- (2) If a trade or business or an undertaking (whether or not it be an undertaking established by or under an Act of Parliament) is transferred from one person to another, the period of employment of an employee in the trade or business or undertaking at the time of the transfer shall count as a period of employment with the transferee, and the transfer shall not break the continuity of the period of employment.



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- (3) If by or under an Act of Parliament, whether public or local and whether passed before or after this Act, a contract of employment between any body corporate and an employee is modified and some other body corporate is substituted as the employer, the employee's period of employment at the time when the modification takes effect shall count as a period of employment with the second-mentioned body corporate, and the change of employer shall not break the continuity of the period of employment.
- (4) If on the death of an employer the employee is taken into the employment of the personal representatives or trustees of the deceased, the employee's period of employment at the time of the death shall count as a period of employment with the employer's personal representatives or trustees, and the death shall not break the continuity of the period of employment.
- (5) If there is a change in the partners, personal representatives or trustees who employ any person, the employee's period of employment at the time of the change shall count as a period of employment with the partners, personal representatives or trustees after the change, and the change shall not break the continuity of the period of employment.

#### Textual Amendments

- F26** Words substituted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 3 para. 2\(2\)](#) with saving in [S.I. 1982/1656](#), [Sch. 2](#)

#### Modifications etc. (not altering text)

- C6** [Para. 17\(2\)](#) modified by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), s. 22, [Sch. 3 para. 8](#)  
**C7** [Sch. 13 para. 17\(3\)](#) modified by [Trustee Savings Banks Act 1985 \(c. 58, SIF 110\)](#), s. 3(7)  
**C8** [Sch. 13 para. 17\(3\)](#) modified (1.9.1992) by [Museums and Galleries Act 1992 \(c. 44\)](#), s. 1(7); [S.I. 1992/1874](#), [art.2](#).

18 If an employee of an employer is taken into the employment of another employer who, at the time when the employee enters his employment is an associated employer of the first-mentioned employer, the employee's period of employment at that time shall count as a period of employment with the second-mentioned employer and the change of employer shall not break the continuity of the period of employment.

[<sup>F27</sup>18A(1) If an employee of one of the employers described in sub-paragraph (2) is taken into the employment of another of those employers, his period of employment at the time of the change of employer shall count as a period of employment with the second employer and the change shall not break the continuity of the period of employment.

- (2) The employers referred to in sub-paragraph (1) are the governors of the schools maintained by a local education authority and that authority.]

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#### Textual Amendments

**F27** Para. 18A inserted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 3 para. 2\(3\)](#) with saving in [S.I. 1982/1656](#), [Sch. 2](#)

VALID FROM 28/06/1995

[<sup>F28</sup>18B] (1) If a person employed in relevant employment by a health service employer is taken into relevant employment by another such employer, his period of employment at the time of the change of employer shall count as a period of employment with the second employer and the change shall not break the continuity of the period of employment.

(2) For the purposes of sub-paragraph (1) employment is relevant employment if it is employment of a description—

- (a) in which persons are engaged while undergoing professional training which involves their being employed successively by a number of different health service employers, and
- (b) which is specified in an order made by the Secretary of State.

(3) The following are health service employers for the purposes of this paragraph—

- (a) Health Authorities established under section 8 of the National Health Service Act 1977,
- (b) Special Health Authorities established under section 11 of that Act,
- (c) National Health Service trusts established under Part I of the <sup>M5</sup>National Health Service and Community Care Act 1990,
- (d) the Dental Practice Board, and
- (e) the Public Health Laboratory Service Board.]

#### Textual Amendments

**F28** [Sch. 13 para. 18B](#) inserted (28.6.1995 for certain purposes and otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\)](#), [Sch. 1 Pt. III para. 103\(3\)\(b\)](#)

#### Marginal Citations

**M5** [1990 c.19](#)

### *Crown employment*

- 19 (1) Subject to the following provisions of this paragraph, the provisions of this Schedule shall have effect (for the purpose of computing an employee's period of employment, but not for any other purpose) in relation to Crown employment and to persons in Crown employment as they have effect in relation to other employment and to other employees, and accordingly, except where the context otherwise requires, references to an employer shall be construed as including a reference to the Crown.

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- (2) In this paragraph, subject to sub-paragraph (3), “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 paragraph does not apply to service as a member of the naval, military or air forces of the Crown, . . . <sup>F29</sup>but does apply to employment by any association established for the purposes of [<sup>F30</sup>Part VI of the <sup>M6</sup>Reserve Forces Act 1980].
- <sup>F31</sup>(4) . . . . .
- (5) The reference in paragraph 17(2) to an undertaking shall be construed as including a reference to any function of (as the case may require) a Minister of the Crown, a government department, or any other officer or body performing functions on behalf of the Crown.

**Textual Amendments**

**F29** Words repealed with saving by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), [Sch. 5 Pt. I](#)

**F30** Words substituted by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), [Sch. 9 para. 17](#)

**F31** [Sch. 13 para. 19\(4\)](#) repealed (6.2.1995) by S.I. 1995/31, reg. 6, [Sch.](#)

**Modifications etc. (not altering text)**

**C9** [Para. 19](#) extended by [Crown Agents Act 1979 \(c. 43, SIF 57\)](#) Sch. 1 para. 13(3)

**Marginal Citations**

**M6** [1980 c. 9.](#)

*Reinstatement or re-engagement of dismissed employee*

- 20 (1) Regulations made by the Secretary of State may make provision—
- (a) for preserving the continuity of a person’s period of employment for the purposes of this Schedule or for the purposes of this Schedule as applied by or under any other enactment specified in the regulations, or
  - (b) for modifying or excluding the operation of paragraph 12 subject to the recovery of any such payment as is mentioned in sub-paragraph (2) of that paragraph,
- in cases where, in consequence of action to which sub-paragraph (2) applies, a dismissed employee is reinstated or re-engaged by his employer or by a successor or associated employer of that employer.
- (2) This sub-paragraph applies to any action taken in relation to the dismissal of an employee which consists—
- (a) of the presentation by him of a [<sup>F32</sup>relevant complaint of dismissal], or
  - (b) of his making a claim in accordance with a dismissal procedures agreement designated by an order under section 65, or
  - (c) of any action taken by a conciliation officer under [<sup>F33</sup>his relevant conciliation powers or]
  - [<sup>F34</sup>(d) of the making of a relevant compromise contract.]

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[<sup>F35</sup>(3) In sub-paragraph (2)—

“relevant complaint of dismissal” means a complaint under section 67 of this Act, a complaint under section 63 of the <sup>M7</sup>Sex Discrimination Act 1975 arising out of a dismissal or a complaint under section 54 of the <sup>M8</sup>Race Relations Act 1976 arising out of a dismissal;

“relevant conciliation powers” means section 134(3) of this Act, section 64(2) of the Sex Discrimination Act 1975 or section 55(2) of the Race Relations Act 1976; and

“relevant compromise contract” means an agreement or contract authorised by section 140(2)(fa) or (fb) of this Act, section 77(4)(aa) of the Sex Discrimination Act 1975 or section 72(4)(aa) of the Race Relations Act 1976.]

#### Textual Amendments

- F32** Words in Sch. 13 para. 20(2)(a) substituted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 14(a)**; S.I. 1993/1908, art. 2(1), **Sch.1**
- F33** Words in Sch. 13 para. 20(2)(c) substituted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 14(b)**; S.I. 1993/1908, art. 2(1), **Sch.1**
- F34** Sch. 13 para. 20(2)(d) inserted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 14(c)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F35** Sch. 13 para. 20(3) inserted (30.8.1993) by 1993 c. 19, s. 29(1), **Sch. 7 para. 14(d)**; S.I. 1993/1908, art. 2(1), **Sch.1**

#### Marginal Citations

- M7** 1975 c. 65.  
**M8** 1976 c. 74.

#### *Employment before the commencement of Act*

- 21 Save as otherwise expressly provided, the provisions of this Schedule apply to periods before it comes into force as they apply to later periods.
- 22 If, in any week beginning before 6th July 1964, the employee was, for the whole or any part of the week, absent from work—
- (a) because he was taking part in a strike, or
  - (b) because of a lock-out by the employer,
- the week shall count as a period of employment.
- 23 Without prejudice to the foregoing provisions of this Schedule, any week which counted as a period of employment in the computation of a period of employment in accordance with the <sup>M9</sup>Contracts of Employment Act 1972 whether for the purposes of that Act, the <sup>M10</sup>Redundancy Payments Act 1965, the <sup>M11</sup>Trade Union and Labour Relations Act 1974 or the <sup>M12</sup>Employment Protection Act 1975, shall count as a period of employment for the purposes of this Act, and any week which did not

*Status:* Point in time view as at 06/02/1995. This version of this schedule contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, SCHEDULE 13. (See end of Document for details)

break the continuity of a person’s employment for the purposes of those Acts shall not break the continuity of a period of employment for the purposes of this Act.

**Marginal Citations**

- M9** 1972 c. 53.
- M10** 1965 c. 62.
- M11** 1974 c. 52.
- M12** 1975 c. 71.

*Interpretation*

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

“lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

“strike” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;

“week” means a week ending with Saturday.

<sup>F36</sup>(2) .....

**Textual Amendments**

- F36** Sch. 13 para. 24(2) repealed (6.2.1995) by S.I. 1995/31, reg. 6, Sch.

**Status:**

Point in time view as at 06/02/1995. This version of this schedule contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, SCHEDULE 13.