

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Cross Heading: The calculation date. (See end of Document for details)

SCHEDULES

SCHEDULE 14

CALCULATION OF NORMAL WORKING HOURS AND A WEEK'S PAY

Modifications etc. (not altering text)

- C1 Sch. 14 applied (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 190(5), 302 (with ss. 283-286).
- C1 Sch. 14 applied (with modifications) (30.8.1993) by 1992 c. 52, s. 158(7) (as inserted (30.8.1993) by 1993 c. 19, s. 49(1), Sch. 7 para.21; S.I. 1993/1908, art. 2(1), Sch. 1)

PART II

A WEEK'S PAY

Modifications etc. (not altering text)

- C1 Sch. 14 Pt. II (paras. 3–12) modified by S.I. 1986/151, arts. 2, 5, S.I. 1986/379, art. 3, S.I. 1989/1139, reg. 5 and Education Reform Act 1988 (c. 40, SIF 41:1), ss. 178(2)(b), 231(7), 235(6)

The calculation date

- 7 (1) For the purposes of this Part, the calculation date is,—
- (a) where the calculation is for the purpose of section 14, the day in respect of which the guarantee payment is payable, or, where an employee's contract has been varied, or a new contract entered into, in connection with a period of short-time working, the last day on which the original contract was in force;
 - (b) where the calculation is for the purposes of section 21, the day before that on which the suspension referred to in section 19(1) begins;
 - (c) where the calculation is for the purposes of section 31, the day on which the employer's notice was given;
 - [^{F1}(cc) where the calculation is for the purposes of section 31A, the day of the appointment concerned;]
 - (d) ^{F2}
 - (e) where the calculation is for the purposes of Schedule 3, the day immediately preceding the first day of the period of notice required by section 49(1) or, as the case may be, section 49(2);
 - (f) where the calculation is for the purposes of section 53 or 71(2)(b) and the dismissal was with notice, the date on which the employer's notice was given;

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- (g) where the calculation is for the purposes of section 53 or 71(2)(b) but sub-paragraph (f) does not apply, the effective date of termination;
 - (h) where the calculation is for the purposes of section 73 and by virtue of section 55(5) [^{F3}or, as the case may be, (6)] a date is to be treated as the effective date of termination for the purposes of section 73(3) which is later than the effective date of termination as defined by section 55(4), the effective date of termination as defined by section 55(4);
 - (i) where the calculation is for the purposes of section 73 but [^{F4}neither subsection (5) nor subsection (6) of section 55 applies] in relation to the date of termination, the date on which notice would have been given had the conditions referred to in sub-paragraph (2) been fulfilled (whether those conditions were in fact fulfilled or not);
 - (j) where the calculation is for the purposes of section 87(2), the day immediately preceding the first of the four or, as the case may be, the six weeks referred to in section 88(1);
 - (k) where the calculation is for the purposes of Schedule 4 and by virtue of section 90(3) a date is to be treated as the relevant date for the purposes of certain provisions of this Act which is later than the relevant date as defined by section 90(1), the relevant date as defined by section 90(1);
 - (l) where the calculation is for the purposes of Schedule 4 but sub-paragraph (k) does not apply, the date on which notice would have been given had the conditions referred to in sub-paragraph (2) been fulfilled (whether those conditions were in fact fulfilled or not).
- (2) The conditions referred to in sub-paragraphs (1)(i) and (l) are that the contract was terminable by notice and was terminated by the employer giving such notice as is required to terminate that contract by section 49 and that the notice expired on the effective date of termination or on the relevant date, as the case may be.

Textual Amendments

- F1** Para. 7(1)(cc) inserted by [Employment Act 1980 \(c. 42, SIF 43:5\)](#), **Sch. 1 para. 33**
- F2** Sch. 14 para. 7(1)(d) repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), **Sch. 11**
- F3** Words inserted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), **Sch. 3 para. 30(2)(a)** with saving in S.I. 1982/1656, **Sch. 2**
- F4** Words substituted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), **Sch. 3 para. 30(2)(b)** with saving in S.I. 1982/1656, **Sch. 2**

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