
Status: Point in time view as at 16/10/1992.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, Part II. (See end of Document for details)*

SCHEDULES

SCHEDULE 2

SUPPLEMENTARY PROVISIONS RELATING TO MATERNITY

PART II

REDUNDANCY PAYMENTS

Introductory

- 3 References in this Part to provisions of this Act relating to redundancy are references to those provisions as they apply by virtue of section 86.

Adaptation of redundancy payments provisions

- 4 (1) References in Part VI of this Act shall be adapted as follows, that is to say—
- (a) references to the relevant date, wherever they occur, shall be construed, except where the context otherwise requires, as references to the notified day of return;
 - (b) references in sections 82(4) and 84(1) to a renewal or re-engagement taking effect immediately on the ending of employment under the previous contract or after an interval of not more than four weeks thereafter, shall be construed as references to a renewal or re-engagement taking effect on the notified day of return or not more than four weeks after that day; and
 - (c) references in section 84(3) to the provisions of the previous contract shall be construed as references to the provisions of the original contract of employment.
- (2) Nothing in section 86 shall prevent an employee from being treated, by reason of the operation of section 84(1), as not having been dismissed for the purposes of Part VI of this Act.
- (3) The following provisions of this Act shall not apply, that is to say, sections 81(1)(b), 82(1) and (2), 83(1) and (2), 85, 87 to 89, 90(3), 92, 93, 96, 110, 144(2), ^{F1}and 150, paragraph 4 of Schedule 4, Schedule 12 and paragraphs 7(1)(j) and (k) and 8(4) of Schedule 14.
- (4) For the purposes of Part II of Schedule 14 as it applies for the calculation of a week's pay for the purposes of Schedule 4, the calculation date is the last day on which the employee worked under the original contract of employment.

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Textual Amendments

- F1** Words repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 4(2)(b), [Sch. 4](#) with saving in [S.I. 1982/1656](#), [Sch. 2](#)

Prior redundancy

- 5 If, in proceedings arising out of a failure to permit an employee to return to work, the employer shows—
- (a) that the reason for the failure is that the employee is redundant; and
 - (b) that the employee was dismissed or, had she continued to be employed by him, would have been dismissed, by reason of redundancy during her absence on a day earlier than the notified day of return and falling after the beginning of the eleventh week before the expected week of confinement,
- then, for the purposes of Part VI of this Act the employee—
- (i) shall not be treated as having been dismissed with effect from the notified day of return; but
 - (ii) shall, if she would not otherwise be so treated, be treated as having been continuously employed until that earlier day and as having been dismissed by reason of redundancy with effect from that day.

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