

Status: Point in time view as at 15/10/1992.

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

SCHEDULES

SCHEDULE 2

SUPPLEMENTARY PROVISIONS RELATING TO MATERNITY

PART III

GENERAL

Dismissal during period of absence

- 6 (1) This paragraph applies to the dismissal of an employee who is under this Act entitled to return to work and whose contract of employment continues to subsist during the period of her absence but who is dismissed by her employer during that period after the beginning of the eleventh week before the expected week of confinement.
- (2) For the purposes of sub-paragraph (1), an employee shall not be taken to be dismissed during the period of her absence if the dismissal occurs in the course of the employee's attempting to return to work in accordance with her contract in circumstances in which section 48 applies.
- (3) In the application of Part V of this Act to a dismissal to which this paragraph applies, the following provisions shall not apply, that is to say, sections [F1[F258(3) to (12)], 58A], 64, 65, 66, 141(2), [F3and 144(2)].
- (4) Any such dismissal shall not affect the employee's right to return to work, but—
- (a) compensation in any unfair dismissal proceedings arising out of that dismissal shall be assessed without regard to the employee's right to return; and
 - (b) that right shall be exercisable only on her repaying any redundancy payment or compensation for unfair dismissal paid in respect of that dismissal, if the employer requests such repayment.

Textual Amendments

- F1** Words substituted by [Employment Act 1980 \(c. 42, SIF 43:5\)](#), [Sch. 1 para. 24](#)
- F2** Words substituted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 3 para. 27\(3\)](#) with saving in [S.I. 1982/1656](#), [Sch. 2](#)
- F3** "and 144(2)" substituted by [Dock Work Act 1989 \(c. 13, SIF 43:1\)](#), [s. 7\(4\)\(b\)](#)

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Power to amend or modify

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- (1) The Secretary of State may by order amend the provisions of this Schedule and section 48 or modify the application of those provisions to any description of case.
 - (2) No order under this paragraph shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

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