



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Excluded classes of employment

146 Miscellaneous classes of employment.

- (1)
- ^{F1}(2) Parts II, III, [^{F2}and V] and sections 8, 9, 53 and 86 do not apply to employment under a contract of employment in police service or to persons engaged in such employment.
- (3) In subsection (2), “police service” means service—
 - (a) as a member of any constabulary maintained by virtue of any enactment, or
 - (b) in any other capacity by virtue of which a person has the powers of privileges of a constable.
- (4) Subject to subsections (5), (6) and (7), the following provisions of this Act (which confer rights which do not depend upon an employee having a qualifying period of continuous employment) do not apply to employment under a contract which normally involves employment for less than sixteen hours weekly, that is to say, sections [^{F3}1, 4,] 8 ^{F4} . . . and 29.
- (5) If the employee’s relations with his employer cease to be governed by a contract which normally involves work for sixteen hours or more weekly and become governed by a contract which normally involves employment for eight hours or more, but less than sixteen hours, weekly, the employee shall nevertheless for a period of twenty-six weeks, computed in accordance with subsection (6), be treated for the purposes of subsection (4) as if his contract normally involved employment for sixteen hours or more weekly.

Status: Point in time view as at 16/10/1992. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Section 146. (See end of Document for details)

- (6) In computing the said period of twenty-six weeks no account shall be taken of any week—
- (a) during which the employee is in fact employed for sixteen hours or more;
 - (b) during which the employee takes part in a strike (as defined by paragraph 24 of Schedule 13) or is absent from work because of a lock-out (as so defined) by his employer; or
 - (c) during which there is no contract of employment but which, by virtue of paragraph 9(1) of Schedule 13, counts in computing a period of continuous employment.
- (7) An employee whose relations with his employer are governed by a contract of employment which normally involves employment for eight hours or more, but less than sixteen hours, weekly shall nevertheless, if he has been continuously employed for a period of five years or more be treated for the purposes of subsection (4) as if his contract normally involved employment for sixteen hours or more weekly.
- [^{F5}(8) References in subsections (4) to (7) to weeks are to weeks within the meaning of Schedule 13.]

Textual Amendments

- F1** S. 146(1) repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), **Sch. 4** with saving in [S.I. 1982/1656](#), **Sch. 2**
- F2** Words “and V” substituted for words “V and VII” by [S.I. 1983/624](#), **regs. 2-4** where “the relevant date” (within the meaning of s. 122(2) of the Act) falls on or after 1.6.1983
- F3** Words inserted with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 8(5)(a)**
- F4** Words in s. 146(4) repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, **Sch.1** (with savings in Sch. 3 para. 2).
- F5** S. 146(8) added with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 8(5)(b)**

Modifications etc. (not altering text)

- C1** S. 146 modified (E.W.) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), **s. 7(2)(d)**
- C2** S. 146 modified by [National Health Service \(Scotland\) Act 1978 \(c. 29, SIF 123:2\)](#), **s. 12C** (as added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), **s. 31**)

Status:

Point in time view as at 16/10/1992. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Section 146.