



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART V

UNFAIR DISMISSAL

Exclusion of section 54

65 Exclusion in respect of dismissal procedures agreement.

- (1) An application may be made jointly to the Secretary of State by all the parties to a dismissal procedures agreement to make an order designating that agreement for the purposes of this section.
- (2) On any such application the Secretary of State may make such an order if he is satisfied—
 - (a) that every trade union which is a party to the dismissal procedures agreement is an independent trade union;
 - (b) that the agreement provides for procedures to be followed in cases where an employee claims that he has been, or is in the course of being, unfairly dismissed;
 - (c) that those procedures are available without discrimination to all employees falling within any description to which the agreement applies;
 - (d) that the remedies provided by the agreement in respect of unfair dismissal are on the whole as beneficial as (but not necessarily identical with) those provided in respect of unfair dismissal by this Part;
 - (e) that the procedures provided by the agreement include a right to arbitration or adjudication by an independent referee, or by a tribunal or other independent body, in cases where (by reason of an equality of votes or for any other reason) a decision cannot otherwise be reached; and

Status: Point in time view as at 03/01/1995. This version of this provision has been superseded.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 65. (See end of Document for details)

- (f) that the provisions of the agreement are such that it can be determined with reasonable certainty whether a particular employee is one to whom the agreement applies or not.
- (3) Where a dismissal procedures agreement is designated by an order under this section which is for the time being in force, the provisions of that agreement relating to dismissal shall have effect in substitution for any rights under section 54; and accordingly that section shall not apply to the dismissal of an employee from any employment if it is employment to which, and he is an employee to whom, those provisions of the agreement apply.
- (4) Subsection (3) shall not apply to the [F¹right conferred by section 60 or 60A(1)] [F²or the right conferred by paragraph 7 or 8 of Schedule 5A to the Betting, Gaming and Lotteries Act 1963] [F³or the right conferred by paragraph 7 or 8 of Schedule 4 to the Sunday Trading Act 1994].

Textual Amendments

- F1** Words in s. 65(4) substituted (30.8.1993 so far as relating to s. 60A(1) of this Act and otherwise 10.6.1994) by 1993 c. 19, ss. 49(1), 51, 52, **Sch. 8 para. 16**; S.I. 1993/1908, art. 2(1), **Sch**; S.I. 1994/1365, art. 2, **Sch**.
- F2** Words in s. 65(4) inserted (E.W.) (3.1.1995) by 1995 c. 40, ss. 20, 82(2), **Sch. 8 para. 20**
- F3** Words in s. 65(4) added (E.W.) (26.8.1994) by 1994 c. 20, s. 4, **Sch. 4 para. 20**; S.I. 1994/1841, **art. 2**

Status:

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