

SCHEDULES

SCHEDULE 2

CHANGE OF BASIS OF COMPUTATION OF PERIOD OF CONTINUOUS EMPLOYMENT

Computation of period of continuous employment

- 7 (1) For section 151 of the 1978 Act (continuous employment) there shall be substituted—

“151 Computation of period of continuous employment.

- (1) References in any provision of this Act to a period of continuous employment are, except where provision is expressly made to the contrary, to a period computed in accordance with the provisions of this section and Schedule 13 ; and in any such provision which refers to a period of continuous employment expressed in months or years a month means a calendar month and a year means a year of twelve calendar months.
- (2) In computing an employee's period of continuous employment any question arising as to—
 - (a) whether the employee's employment is of a kind counting towards a period of continuous employment, or
 - (b) whether periods (consecutive or otherwise) are to be treated as forming a single period of continuous employment,shall be determined in accordance with Schedule 13 (that is to say, week by week), but the length of an employee's period of employment shall be computed in months and years of twelve months in accordance with the following rules.
- (3) Subject to the following provisions of this section, an employee's period of continuous employment for the purposes of any provision of this Act begins with the day on which he starts work and ends with the day by reference to which the length of his period of continuous employment falls to be ascertained for the purposes of the provision in question.
- (4) For the purposes of section 81 and Schedule 4 an employee's period of continuous employment shall be treated as beginning on his eighteenth birthday if that date is later than the starting date referred to in subsection (3).
- (5) If an employee's period of continuous employment includes one or more periods which, by virtue of any provision of Schedule 13, do not count in computing the length of the period but do not break continuity, the beginning of the period shall be treated as postponed by the number of days falling within that intervening period or, as the case may be, by the aggregate number of days falling within those periods.
- (6) The number of days falling within such an intervening period is—

Status: This is the original version (as it was originally enacted).

- (a) in the case of a period to which paragraph 14(3) of Schedule 13 applies, seven days for each week within that sub-paragraph ;
 - (b) in the case of a period to which paragraph 15(2) or (4) of that Schedule applies, the number of days between the last working day before the strike or lock-out and the day on which work was resumed ;
 - (c) in the case of a period to which paragraph 16(1) of that Schedule applies, the number of days between the employee's last day of employment before service under Part I of the National Service Act 1948 and the day on which he resumed employment in accordance with Part II of that Act.”.
- (2) In Schedule 13 to that Act (computation of period of employment), for paragraphs 1 and 2 (preliminary provisions) there shall be substituted—

“Preliminary

- 1 (1) Except so far as otherwise provided by the following provisions of this Schedule, a week which does not count under paragraphs 3 to 12 breaks the continuity of the period of employment.
- (2) The provisions of this Schedule apply, subject to paragraph 14, to a period of employment notwithstanding that during that period the employee was engaged in work wholly or mainly outside Great Britain, or was excluded by or under this Act from any right conferred by this Act.
- (3) A person's employment during any period shall, unless the contrary is shown, be presumed to have been continuous.”.
- (3) For paragraph 8 of that Schedule there shall be substituted—

“Power to amend paragraphs 3 to 7 by order

- 8 (1) The Secretary of State may by order—
- (a) amend paragraphs 3 to 7 so as to substitute for each of the references to sixteen hours a reference to such other number of hours less than sixteen as may be specified in the order ; and
 - (b) amend paragraphs 6 and 7 so as to substitute for each of the references to eight hours a reference to such other number of hours less than eight as may be specified in the order.
- (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.
- (3) The provisions of any order under this paragraph shall apply to periods before the order takes effect as they apply to later periods.”.