

## SCHEDULES

### SCHEDULE 1

Section 2.

#### ADDITIONAL PROVISIONS AS TO " FORMER EMPLOYER "

- 1 Where —
- (a) a person who has entered on a period of whole-time service was last employed within the period of four weeks immediately preceding the beginning of that service in any undertaking, and
  - (b) any change (whether before or after the commencement of this Act) takes place in the person carrying on that undertaking or that undertaking becomes comprised in any other undertaking,
- references in this Act to the former employer of that person shall be construed as references to the person for the time being carrying on that undertaking or that other undertaking, as the case may be.
- 2 Where the person in question was last employed as mentioned above in a branch or part of an undertaking which (whether before or after the commencement of this Act) becomes, or becomes part of, some other undertaking, and either—
- (a) he has as a consequence become employed in that other undertaking; or
  - (b) it is reasonable to suppose that he would as a consequence have become employed in that other undertaking if his employment had not been interrupted by his whole-time service,
- paragraph 1 has effect as if that branch or part were itself an undertaking.
- 3 Where
- (a) by virtue of any provision made by or under any Act, employers of any class are required, in taking persons of any class into their employment (whether in all cases or not and whether absolutely or subject to exceptions), to restrict themselves to, or to give preference to, persons for the time being included in a specified pool or register, and
  - (b) under that provision, all persons included in that pool or register are in the employment of a specified body when not otherwise employed, and
  - (c) the occupation in which a person who has entered on a period of whole-time service was last employed before the beginning of that service is such that the taking of him into employment by the person who, but for the provisions of this paragraph, would be his former employer is affected by that provision,
- that body shall, for the purposes of this Act, be deemed to be the former employer of that person.

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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 2

Section 8.

## REINSTATEMENT COMMITTEES AND UMPIRES

1 The Secretary of State shall appoint such number of committees (" Reinstatement  
Committees ") as he may decide for the determination of the questions and the  
making of the orders specified in section 8.

2 Every Reinstatement Committee shall consist of—

- (a) a chairman selected by the Secretary of State from a panel of persons appointed by the Lord Chancellor, and
- (b) one person selected by the Secretary of State from a panel constituted by him for the purposes of this provision of persons chosen to represent employers, and
- (c) one person selected by the Secretary of State from a panel so constituted of persons chosen to represent employed persons,

but where a Reinstatement Committee sits in Scotland the panel of persons referred to in paragraph (a) shall be appointed by the Lord President of the Court of Session, and in Northern Ireland, by the Lord Chief Justice of Northern Ireland.

3 The Secretary of State may appoint such number of persons as he thinks fit as assessors to be available to Reinstatement Committees.

4 Those assessors shall be persons who in the Secretary of State's opinion have expert knowledge of any matters which are likely to fall to be considered by those committees in the exercise of their jurisdiction under this Act; but an assessor shall not vote or otherwise be a party to any determination or order of a Reinstatement Committee.

5 For the purpose of hearing appeals from Reinstatement Committees under section 9, Her Majesty may appoint an umpire and one or more deputy umpires; and a person shall not be qualified to be so appointed unless he is a barrister, advocate or solicitor of not less than ten years standing.

6 The Secretary of State may pay—

- (a) to members of Reinstatement Committees, to the umpire and the deputy umpires, to persons appointed to sit as assessors and to any of his officers and servants employed for the purposes of this Act, such remuneration and allowances as he may, with the Treasury's approval, determine ;
- (b) to persons attending as parties or witnesses before Reinstatement Committees or the umpire or any deputy umpire, allowances in accordance with such scales as he may, with the Treasury's approval, determine.

## SCHEDULE 3

Section 8.

## ORDERS OF REINSTATEMENT COMMITTEES

*Orders requiring employment to be made available*

1 An order requiring that employment shall be made available to the applicant by Ms former employer may be made notwithstanding—

- (a) that more than six months have elapsed since the end of the applicant's whole-time service ; and

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- (b) that the date on which the employment is to be made available to the applicant is more than six months after the end of the applicant's whole-time service.
- 2 Any such order shall be made against the person who is the applicant's former employer at the time of the making of the order, and accordingly it is his duty to secure compliance with that order.
- 3 (1) Where the applicant is taken into the employment of his former employer in pursuance of any such order, the provisions of this Act have effect in relation to the applicant as if he had been taken into employment in pursuance of the obligation imposed on his former employer by section 1.
- (2) Where the applicant has already been in the employment of his former employer for any period since the end of his whole-time service, the period of 26, 52 or 13 weeks for which, under section 7 as applied by this paragraph, the applicant has to be employed shall be correspondingly reduced.
- 4 (1) Where—
- (a) in pursuance of any such order the applicant's former employer makes employment available to the applicant on the date specified in the order, but
- (b) the applicant is prevented from taking it by sickness or other reasonable cause,
- the former employer is under the like obligation as he would have been under if the employment had been made available in pursuance of the obligation imposed by section 1.
- (2) Where the date specified in the order as the date on which employment is to be made available is more than six months from the end of the applicant's whole-time service, so much of section 1 as provides that in no case shall the former employer be under an obligation to take the applicant into his employment after six months after the end of the applicant's whole-time service shall have effect as if for the reference to the end of (he applicant's whole-time service there were substituted a reference to the date so specified.

#### *Orders for compensation*

- 5 An order for the payment of money by way of compensation shall—
- (a) in so far as the compensation is in respect of a period subsequent to the order, be made against the person who is the applicant's former employer at the date of the order, and
- (b) in so far as the compensation is in respect of a period before the order, be made against the person who was the former employer during the period of default by reason of which the order was made,
- and where different persons have been at different times the applicant's former employer, the sum payable under the order shall be apportioned by the order between those persons, and references in this Act to the person against whom such an order is made shall be construed accordingly.

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## SCHEDULE 4

Section 21.

### CONSEQUENTIAL AMENDMENTS

#### *Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951*

- 1 In paragraph 1 (i) of Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, for " the Reinstatement in Civil Employment Act 1950 " substitute " section 1(1) of the Reserve Forces (Safeguard of Employment) Act 1985".

#### *Companies Act (Northern Ireland) 1960*

- 2 In paragraph (d) of section 287(1) of the Companies Act (Northern Ireland) 1960 for "Reinstatement in Civil Employment Act 1944, Part II of the National Service Act 1948 or the Reinstatement in Civil Employment Act 1950" substitute "Reserve Forces (Safeguard of Employment) Act 1985".

#### *Tribunals and Inquiries Act 1971*

- 3 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1971—
- (a) in paragraph 19(e), for " section 41(1) of the [National Service Act 1948 \(c. 64\)](#)" substitute " paragraph 1 of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985";
  - (b) in paragraph 19(f), for " section 41(4) of the [National Service Act 1948 \(c. 64\)](#)" substitute " paragraph 5 of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985".

#### *House of Commons Disqualification Act 1975*

- 4 In Part I of Schedule 1 to the House of Commons Disqualification Act 1975, for " Umpire or Deputy Umpire appointed for the purposes of section 43 of the National Service Act 1948 " substitute " Umpire or a Deputy Umpire appointed for the purposes of section 9 of the Reserve Forces (Safeguard of Employment) Act 1985".

#### *Northern Ireland Assembly Disqualification Act 1975*

- 5 In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975—
- (a) in Part I, for "Umpire or Deputy Umpire appointed for the purposes of section 43 of the National Service Act 1948" substitute " Umpire or Deputy Umpire appointed under Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 for the purposes of section 9 of that Act " ; and
  - (b) in Part II, for "A Panel of Chairmen of Reinstatement Committees constituted under section 41 of the National Service Act 1948" substitute " A panel of Chairmen of Reinstatement Committees constituted under Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 for the purposes of section 8 of that Act".

#### *Employment Protection (Consolidation) Act 1978*

- 6 In paragraph 16(1) of Schedule 13 to the Employment Protection (Consolidation) Act 1978—

- (a) for "Part II of the National Service Act 1948 (reinstatement in civil employment)" substitute " the Reserve Forces (Safeguard of Employment) Act 1985";
- (b) for " section 35(2)(b)" substitute " section 1(4)(b)".

*Reserve Forces Act 1980*

7 In section 145 of the Reserve Forces Act 1980—

- (a) in subsection (1)—
  - (i) for " Reinstatement in Civil Employment Act 1950 " substitute " Reserve Forces (Safeguard of Employment) Act 1985";
  - (ii) for " section 1 " substitute " section 1(1)";
- (b) in subsection (2)—
  - (i) for the references to " Act of 1950" substitute references to " Act of 1985";
  - (ii) for " section 1 " substitute " section 1(1)";
- (c) in subsection (3), for the references to " Act of 1950 " substitute references to " Act of 1985".

*Bankruptcy Amendment (Northern Ireland) Order 1980*

8 In Article 190) of the Bankruptcy Amendment (Northern Ireland) Order 1980, for "Reinstatement in Civil Employment Act 1944, Part II of the National Service Act 1948 or the Reinstatement in Civil Employment Act 1950 " substitute " Reserve Forces (Safeguard of Employment) Act 1985".

## SCHEDULE 5

Section 21.

## REPEALS

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6 c. 64.	National Service Act 1948.	The whole Act.
14 & 15 Geo. 6 c. 10.	Reinstatement in Civil Employment Act 1950.	The whole Act.
1971 c. 62.	Tribunals and Inquiries Act 1971.	Section 9.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 13, paragraph 16(2).