



Employment Act 1990

1990 CHAPTER 38

E+W+S

An Act to make it unlawful to refuse employment, or any service of an employment agency, on grounds related to trade union membership; to amend the law relating to industrial action and ballots; to make further provision with respect to the Commissioner for the Rights of Trade Union Members; to confer a power to revise or revoke Codes of Practice; to provide for the merger of the Redundancy Fund with the National Insurance Fund; to amend the Education (Work Experience) Act 1973; and for connected purposes. [1st November 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act partly in force at Royal Assent see [s. 18](#)

Access to employment

F1 **E+W+S**

Textual Amendments

F1 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with [Sch. 3](#))

F2 **E+W+S**

*Status: Point in time view as at 16/10/1992.
Changes to legislation: There are currently no known outstanding
effects for the Employment Act 1990. (See end of Document for details)*

Textual Amendments

F2 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

F3 **E+W+S**

Textual Amendments

F3 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

Industrial action and ballots

F4 **E+W+S**

Textual Amendments

F4 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

F5 **E+W+S**

Textual Amendments

F5 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

F6 **E+W+S**

Textual Amendments

F6 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

F7 **E+W+S**

Textual Amendments

F7 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

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F8 **E+W+S**

Textual Amendments

F8 Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

F9 **E+W+S**

Textual Amendments

F9 Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

The Commissioner for the Rights of Trade Union Members

F10 **E+W+S**

Textual Amendments

F10 Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

F11 **E+W+S**

Textual Amendments

F11 Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Miscellaneous

F12 **E+W+S**

Textual Amendments

F12 Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

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13 Merger of Redundancy Fund with National Insurance Fund, &c. **E+W+S**

- (1) The assets and liabilities of the Redundancy Fund shall become assets and liabilities of the National Insurance Fund and the Redundancy Fund shall cease to exist.
- (2) The Secretary of State shall prepare an account (in such form as the Treasury may direct) showing the final state of the Redundancy Fund, and shall send a copy of it to the Comptroller and Auditor General who shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (3) References to the Redundancy Fund in subordinate legislation (within the meaning of the ^{M1}Interpretation Act 1978) shall be construed as references to the National Insurance Fund.
- (4) Section 105 of the ^{M2}Employment Protection (Consolidation) Act 1978 (power to make repayments where contributions paid in respect of certain employees not entitled to redundancy payment) shall cease to have effect.

Marginal Citations

M1 1978 c. 30.

M2 1978 c. 44.

14 Period during which children may be employed for work experience. **E+W+S**

In section 1 of the ^{M3}Education (Work Experience) Act 1973 (work experience in the last year of compulsory schooling), in subsection (4) for the words from “a child is in his last year of compulsory schooling” to the end substitute “a child shall be taken to be in his last year of compulsory schooling from the beginning of the term at his school which precedes the beginning of the school year in which by virtue of section 9 of the Education Act 1962 he would be entitled to leave school.”.

Marginal Citations

M3 1973 c. 23.

General

15 Financial provision. **E+W+S**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.

16 Consequential amendments and repeals. **E+W+S**

- (1) The enactments mentioned in Schedule 2 have effect with the amendments specified there, which are consequential on the provisions of this Act.
- (2) The enactments mentioned in Schedule 3 are repealed to the extent specified there.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)

17 Northern Ireland. **U.K.**

(1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M4}Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is only made for purposes corresponding to the purposes of section 13 of this Act (merger of Redundancy Fund with National Insurance Fund, &c.) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament) but shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Apart from this section, the provisions of this Act do not extend to Northern Ireland.

Marginal Citations

M4 1974 c. 28.

18 Short title and commencement. **E+W+S**

(1) This Act may be cited as the Employment Act 1990.

(2) The following provisions of this Act come into force on Royal Assent—

F13

...

F13

...

section 14 (period during which children may be employed for work experience),
and

sections 15 and 17 and this section (general ancillary provisions).

(3) The other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument and different days may be appointed for different provisions.

(4) An order bringing into force any provision may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

Subordinate Legislation Made

P1 [S. 18\(3\)\(4\)](#) power of appointment exercised: [S.I. 1990/2378](#), 1991/89, art. 2.

P2 [S. 18\(4\)](#) power exercised by [S.I. 1991/89](#)

Textual Amendments

F13 In s. 18(1) the paragraphs relating to sections 11 and 12 are expressed to be repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act (c. 52, SIF 43:5), ss. 300, 302, Sch.1 (with Sch. 3)

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Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)

SCHEDULES

^{F14}SCHEDULE 1 **E+W+S**

Textual Amendments

F14 Schedule 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

^{F15}PART I **E+W+S**

Textual Amendments

F15 Pt. I (paras. 1-8): Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Introduction

^{F16}₁

Textual Amendments

F16 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1**

Restriction of proceedings

^{F17}₂

Textual Amendments

F17 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Time limit

^{F18}₃

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Textual Amendments

F18 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Conciliation

F19₄

Textual Amendments

F19 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Remedies

F20₅

Textual Amendments

F20 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Complaint against employer and employment agency

F21₆

Textual Amendments

F21 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1**

Awards against third parties

F22₇

Textual Amendments

F22 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Appeal from decision of tribunal

F23₈

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)

Textual Amendments

F23 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

F24 PART II **E+W+S**

Textual Amendments

F24 Sch. 1 Pt. II (paras. 9-18) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Introduction

F25⁹

Textual Amendments

F25 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Restriction on contracting out

F26¹⁰

Textual Amendments

F26 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Crown employment and House of Commons and House of Lords staff

F27¹¹

Textual Amendments

F27 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

F28¹²

Textual Amendments

F28 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

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F29 13

Textual Amendments

F29 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Police service

F30 14

Textual Amendments

F30 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Employment outside Great Britain

F31 15

Textual Amendments

F31 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Mariners

F32 16

Textual Amendments

F32 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Offshore employment

F33 17

Textual Amendments

F33 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Crown application of provisions relating to employment agencies

F34 18

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Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)

Textual Amendments

F34 Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

SCHEDULE 2 **E+W+S**

Section 16(1).

CONSEQUENTIAL AMENDMENTS

Employment Protection (Consolidation) Act 1978 (c.44)

- 1 (1) The Employment Protection (Consolidation) Act 1978 is amended as follows.
 - ^{F35}(2)
 - (3) In section 106 (redundancy: payments by Secretary of State to employee where employer fails to pay), in subsections (2) and (3) for “the fund” substitute “the National Insurance Fund”.
 - (4) In sections 122(1), 123(1) and 125(4) (insolvency of employer: payments by Secretary of State to or in respect of employees), for “the Redundancy Fund” substitute “the National Insurance Fund”.
 - (5) In section 156 (payments into the Consolidated Fund)—
 - (a) in subsections (2) and (3), for “the Redundancy Fund” substitute “the National Insurance Fund”; and
 - (b) in subsection (3) for “sections 103 to 109” substitute “sections 106 to 108”.
 - (6) In section 158(2) (reciprocal arrangements with the Isle of Man: financial adjustments) for “the Redundancy Fund” substitute “the National Insurance Fund”.

Textual Amendments

F35 Sch. 2 para. 1(2) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Trade Union Act 1984 (c.49)

^{F36}2

Textual Amendments

F36 Sch. 2 para. 2 repealed by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)

Employment Act 1988 (c.19)

F373

Textual Amendments

F37 Sch. 2 para. 3 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

SCHEDULE 3 **E+W+S**

Section 16(2).

REPEALS

Modifications etc. (not altering text)

C1 Sch. 3 excluded by S. I. 1990/2378, **art. 6(c)**

Chapter	Short title	Extent of repeal
1975 c. 14.	Social Security Act 1975.	In section 1(1)(b), the words “and into the Redundancy Fund”. In section 122— (a) subsection (3)(b); (b) subsection (4). In section 123, the proviso to subsection (2). In section 134— (a) in subsection (1), paragraph (b) and the word “and” preceding it; (b) in subsection (4), the definition of “appropriate employment protection allocation” and the word “and” preceding it; (c) in subsection (5), paragraph (b) and in paragraph (c) the words “and (b)”;
<i>cont.</i> —	<i>cont.</i> —	(d) subsections (5A) to (5D). In section 167(1) (b), the references to

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		section 134(5A), (5B) and (5C).
		In Schedule 20, the definition of “appropriate employment protection allocation”.
1975 c. 71.	Employment Protection Act 1975.	In section 40, subsections (1), (5) and (6).
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	Section 103.
		Section 105.
		Section 109.
		In section 153(1), the definition of “Redundancy Fund”.
		Section 157(2).
		In Schedule 9, paragraph 3.
1980 c. 42.	Employment Act 1980.	Section 17.
1980 c. 48.	Finance Act 1980.	In Schedule 19, in paragraph 5(4), the words “and 103(3)”.
1981 c. 1.	Social Security (Contributions) Act 1981.	Section 4(6).
1981 c. 5.	Redundancy Fund Act 1981.	The whole Act.
1982 c. 2.	Social Security (Contributions) Act 1982.	Section 3(3).
		In Schedule 1—
		(a) paragraph 1;
		(b) paragraph 2(1).
1982 c. 46.	Employment Act 1982.	In section 15—
		(a) in subsection (6), the words “, notwithstanding subsection (5) above,”;
		(b) in subsection (7), the definition of “official” and “employed official”.
1984 c. 49.	Trade Union Act 1984.	In section 10—
		(a) in subsection (3A), the words “of that breach or interference”;
		(b) in subsection (4), the words “strike or other”;

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		(c) in subsection (4A), the words “inducing a breach or interference”;
		(d) in subsection (5), the definitions of “authorisation or endorsement”, “commercial contract”, “contract of employment”, “relevant act” and “tort” and the words from “and any reference” to the end.
1985 c. 53.	Social Security Act 1985.	In Schedule 5— (a) paragraph 9(b); (b) in paragraph 11(a), the words “and “the appropriate employment protection allocation””.
1986 c. 50.	Social Security Act 1986.	In section 74, subsections (3) and (4). In Schedule 10, paragraph 73.
1988 c. 19.	Employment Act 1988.	In section 1— (a) in subsection (2), the words from “(including” to “endorsement”); (b) in subsection (5), the words “an authorisation or endorsement by a trade union of any”.
1989 c. 24.	Social Security Act 1989.	In section 1— (a) subsection (4); (b) in subsection (8), the words “and (i)” and “and “appropriate employment protection allocation””, In Schedule 8, paragraph 8(1).
1989 c. 38.	Employment Act 1989.	In Schedule 6, paragraph 20.

Status:

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Changes to legislation:

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