



# Trade Union and Labour Relations (Consolidation) Act 1992

## 1992 CHAPTER 52

### PART VII

#### MISCELLANEOUS AND GENERAL

#### *Excluded classes of employment*

<sup>F1</sup>281 .....

#### Textual Amendments

<sup>F1</sup> S. 281 repealed (6.2.1995) by S.I. 1995/31, regs. 5, 6, Sch.

#### 282 Short-term employment.

(1) The provisions of Chapter II of Part IV (procedure for handling redundancies) do not apply to employment—

- (a) under a contract for a fixed term of three months or less, or
- (b) under a contract made in contemplation of the performance of a specific task which is not expected to last for more than three months,

where the employee has not been continuously employed for a period of more than three months.

[<sup>F2</sup>(2) Chapter I of Part XIV of the Employment Rights Act 1996 (computation of period of continuous employment), and any provision modifying or supplementing that Chapter for the purposes of that Act, apply for the purposes of this section.]

*Status: Point in time view as at 28/03/2011.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Excluded classes of employment is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F2** S. 282(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 56(18)** (with ss. 191-195, 202)

**F3** 283 .....

#### Textual Amendments

- F3** S. 283 repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch. 1**

### 284 Share fishermen.

The following provisions of this Act do not apply to employment as master or as member of the crew of a fishing vessel where the employee [<sup>F4</sup>(or, in the case of sections 145A to 151, the worker)] is remunerated only by a share in the profits or gross earnings of the vessel—

In Part III (rights in relation to trade union membership and activities)—

sections 137 to 143 (access to employment),

[<sup>F5</sup>sections 145A to 151 (inducements and detriment)], and

sections 168 to 173 (time off for trade union duties and activities);

In Part IV, Chapter II (procedure for handling redundancies).

#### Textual Amendments

- F4** Words in s. 284 inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 16(1)**; S.I. 2004/2566, art. 3(b) (with arts. 4-8)
- F5** Words in s. 284 substituted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 16(2)**; S.I. 2004/2566, art. 3(b) (with arts. 4-8)

### 285 Employment outside Great Britain.

- (1) The following provisions of this Act do not apply to employment where under his contract of employment an employee works, or in the case of a prospective employee would ordinarily work, outside Great Britain—

In Part III (rights in relation to trade union membership and activities)—

sections 137 to 143 (access to employment),

[<sup>F6</sup>sections 145A to 151 (inducements and detriment)], and

sections 168 to 173 (time off for trade union duties and activities);

In Part IV, [<sup>F7</sup>sections 193 and 194 (duty to notify Secretary of State of certain redundancies)].

*Status: Point in time view as at 28/03/2011.*

*Changes to legislation: Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Excluded classes of employment is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F8</sup>(1A) Sections 145A to 151 do not apply to employment where under his contract personally to do work or perform services a worker who is not an employee works outside Great Britain.]
- (2) For the purposes of [<sup>F9</sup>subsections (1) and (1A)] employment on board a ship registered in the United Kingdom shall be treated as employment where under his contract a person ordinarily works in Great Britain unless—
- (a) the ship is registered at a port outside Great Britain, or
  - (b) the employment is wholly outside Great Britain, or
  - (c) the employee or, as the case may be, [<sup>F10</sup>the worker or] the person seeking employment or seeking to avail himself of a service of an employment agency, is not ordinarily resident in Great Britain.

#### Textual Amendments

- F6** Words in s. 285(1) substituted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 17(2)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)
- F7** Words in s. 285(1) substituted (25.10.1999) by 1999 c. 26, **s. 32(1)**; S.I. 1999/2830, **art. 2(1) Sch. 1 Pt. I** (with Sch. 3 para. 7)
- F8** S. 285(1A) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 17(3)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)
- F9** Words in s. 285(2) substituted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 17(4)(a)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)
- F10** Words in s. 285(2)(c) inserted (1.10.2004) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 17(4)(b)**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)

## 286 Power to make further provision as to excluded classes of employment.

- (1) This section applies in relation to the following provisions—
- In Part III (rights in relation to trade union membership and activities), [<sup>F11</sup>sections 145A to 151 (inducements and detriment)],
- In Part IV, Chapter II (procedure for handling redundancies), and
- In Part V (industrial action), section 237 (dismissal of those taking part in unofficial industrial action).
- (2) The Secretary of State may by order made by statutory instrument provide that any of those provisions—
- (a) shall not apply to persons or to employment of such classes as may be prescribed by the order, or
  - (b) shall apply to persons or employments of such classes as may be prescribed by the order subject to such exceptions and modifications as may be so prescribed,
- and may vary or revoke any of the provisions of sections 281 to 285 above (excluded classes of employment) so far as they relate to any such provision.
- (3) Any such order shall be made by statutory instrument and may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.

---

*Status: Point in time view as at 28/03/2011.*

**Changes to legislation:** Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading:  
*Excluded classes of employment is up to date with all changes known to be in force on or before 10  
June 2024. There are changes that may be brought into force at a future date. Changes that have been  
made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (4) No such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

---

**Textual Amendments**

- F11** Words in s. 286(1) substituted (1.10.2004) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1), 59(2)-(4), [Sch. 1 para. 18](#); S.I. 2004/2566, [art. 3\(b\)](#) (with arts. 4-8)

**Status:**

Point in time view as at 28/03/2011.

**Changes to legislation:**

Trade Union and Labour Relations (Consolidation) Act 1992, Cross Heading: Excluded classes of employment is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.