



Employment Rights Act 1996

1996 CHAPTER 18

PART XI

REDUNDANCY PAYMENTS ETC.

CHAPTER VII

SUPPLEMENTARY

Application of Part to particular cases

171 Employment not under contract of employment.

- (1) The Secretary of State may by regulations provide that, subject to such exceptions and modifications as may be prescribed by the regulations, this Part and the provisions of this Act supplementary to this Part have effect in relation to any employment of a description to which this section applies as may be so prescribed as if—
 - (a) it were employment under a contract of employment,
 - (b) any person engaged in employment of that description were an employee, and
 - (c) such person as may be determined by or under the regulations were his employer.
- (2) This section applies to employment of any description which—
 - (a) is employment in the case of which secondary Class 1 contributions are payable under Part I of the ^{M1}Social Security Contributions and Benefits Act 1992 in respect of persons engaged in it, but
 - (b) is not employment under a contract of service or of apprenticeship or employment of any description falling within subsection (3).
- (3) The following descriptions of employment fall within this subsection—
 - (a) any employment such as is mentioned in section 159 (whether as originally enacted or as modified by an order under section 209(1)),

Status: Point in time view as at 18/01/2020.

Changes to legislation: Employment Rights Act 1996, Cross Heading: Application of Part to particular cases is up to date with all changes known to be in force on or before 01 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)

- (b) any employment remunerated out of the revenue of the Duchy of Lancaster or the Duchy of Cornwall,
- (c) any employment remunerated out of [^{F1}the Sovereign Grant], and
- (d) any employment remunerated out of Her Majesty's Privy Purse.

Textual Amendments

F1 Words in s. 171(3)(c) substituted (1.4.2012) by [Sovereign Grant Act 2011 \(c. 15\), s. 15\(1\), Sch. 1 para. 31](#)

Marginal Citations

M1 1992 c. 4.

172 Termination of employment by statute.

- (1) The Secretary of State may by regulations provide that, subject to such exceptions and modifications as may be prescribed by the regulations, this Part has effect in relation to any person who by virtue of any statutory provisions—
 - (a) is transferred to, and becomes a member of, a body specified in those provisions, but
 - (b) at a time so specified ceases to be a member of that body unless before that time certain conditions so specified have been fulfilled,
 as if the cessation of his membership of that body by virtue of those provisions were dismissal by his employer by reason of redundancy.
- (2) The power conferred by subsection (1) is exercisable whether or not membership of the body in question constitutes employment within the meaning of section 230(5); and, where that membership does not constitute such employment, that power may be exercised in addition to any power exercisable under section 171.

173 Employees paid by person other than employer.

- (1) For the purposes of the operation of the provisions of this Part (and Chapter I of Part XIV) in relation to any employee whose remuneration is, by virtue of any statutory provision, payable to him by a person other than his employer, each of the references to the employer specified in subsection (2) shall be construed as a reference to the person by whom the remuneration is payable.
- (2) The references referred to in subsection (1) are the first reference in section 135(1), the third reference in section 140(3), the first reference in section 142(3) and the first reference in section 143(2)(c) and the references in sections 142(2)(b), 143(4) and (5), 149(a) and (b), 150(3), 152(1)(b), 158(4), 162(6), 164 to 169, 170(1) and 214(5).

Status:

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Changes to legislation:

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