

Status: Point in time view as at 12/11/2009. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Schedule 1 is up to date with all changes known to be in force on or before 07 September 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)

VALID FROM 12/01/2010

SCHEDULES

VALID FROM 06/04/2010

SCHEDULE 1 **E** **+W+S**

Section 40

EMPLOYEE STUDY AND TRAINING: MINOR AND CONSEQUENTIAL AMENDMENTS

Employment Rights Act 1996 (c. 18)

- 1 The Employment Rights Act 1996 is amended as follows.
- 2 In section 48 (right to present complaint of detriment to employment tribunal), in subsection (1) for “or 47E” substitute “, 47E or 47F”.
- 3 In section 105 (unfair dismissal: redundancy), after subsection (7BA) insert—
- “(7BB) This subsection applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in section 104E.”
- 4 In section 108(3) (exceptions to one year qualifying period of continuous employment for claims for unfair dismissal), after paragraph (gj) insert—
- “(gk) section 104E applies.”
- 5 In section 194 (House of Lords staff), in subsection (2)(e) before “VII” insert “6A,”.
- 6 In section 195 (House of Commons staff), in subsection (2)(e) before “VII” insert “6A,”.
- 7 In section 199 (mariners)—
- (a) in subsection (2), after “47E,” insert “47F,”;
 - (b) in that subsection, before “VII” insert “6A,”;
 - (c) in subsection (8)(d), before “VII” insert “6A,”.
- 8 In section 225 (how to calculate a week's pay in relation to rights during employment) after subsection (4A) insert—
- “(4B) Where the calculation is for the purposes of section 63J, the calculation date is the day on which the section 63D application was made.”
- 9 In section 227(1) (maximum amount of week's pay) before paragraph (za) insert—
- “(zza) an award of compensation under section 63J(1)(b),”.
- 10 In section 235(1) (other definitions) at the appropriate place insert—

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	““section 63D application” has the meaning given by section 63D(2);”.
11	In section 236(3) (orders and regulations subject to affirmative Parliamentary procedure), after “47C,” insert “ 63D, 63F(7), ”.
	<i>Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)</i>
12	The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
13	In section 212A (arbitration scheme for unfair dismissal cases etc.), in subsection (1)— (a) before paragraph (za) insert— “(zza) section 63F(4), (5) or (6) or 63I(1)(b) of the Employment Rights Act 1996 (study and training);”; (b) in paragraph (za) for “the Employment Rights Act 1996” substitute “ that Act ”.
14	In section 237(1A)(a) (cases where employee may complain of unfair dismissal despite participation in unofficial industrial action)— (a) for “or 104D” substitute “ , 104D or 104E ”; (b) for “and pension scheme membership” substitute “ , pension scheme membership, and study and training ”.
15	In section 238(2A)(a) (cases where employment tribunal to determine whether dismissal of an employee is unfair despite limitation in subsection (2) of that section)— (a) for “or 104D” substitute “ , 104D or 104E ”; (b) for “and pension scheme membership” substitute “ , pension scheme membership, and study and training ”.
	<i>Employment Tribunals Act 1996 (c. 17)</i>
16	In section 18 of the Employment Tribunals Act 1996 (conciliation), in subsection (1)(d) after “28,” insert “ 63F(4), (5) or (6), 63I(1)(b), ”.

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