

1976 No. 530 (C. 16)**TERMS AND CONDITIONS OF EMPLOYMENT****The Employment Protection Act 1975 (Commencement No. 4)
Order 1976**

Made - - - - - *1st April 1976*

The Secretary of State, in exercise of the powers conferred on him by section 129 of the Employment Protection Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation

1. This Order may be cited as the Employment Protection Act 1975 (Commencement No. 4) Order 1976.

Commencement

2. The provisions of the Employment Protection Act 1975 specified in the Schedules hereto shall come into operation:—

- (a) in the case of the provisions mentioned in Schedule 1, on 20th April 1976,
- (b) in the case of the provisions mentioned in Schedule 2, on 1st June 1976,
- (c) in the case of the provisions mentioned in Schedule 3, on 6th April 1977.

1st April 1976.

Michael Foot,
Secretary of State for Employment.

Article 2

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 20TH APRIL 1976

Provisions of the Act	Subject matter of provisions
Section 29(3)	Power to make order adding to or removing from list of provisions in Schedule 2.
Section 110, so far as it is not already in operation.	Death of employee or employer.
Section 117, so far as it is not already in operation.	Offences by bodies corporate.
Section 124(4)(a)	Financial provisions.
Section 125(1), so far as it relates to paragraphs 19, 22 and 30 of Part III of Schedule 16.	Minor and consequential amendments.
Schedule 12, so far as it is not already in operation.	Death of an employee or employer.
Schedule 16, to the extent mentioned above in relation to section 125(1).	Minor and consequential amendments.

Article 2

SCHEDULE 2

PROVISIONS COMING INTO OPERATION ON 1ST JUNE 1976

Provisions of the Act	Subject matter of provisions
Section 25(5)	Power to vary limits referred to in section 25.
Section 29, so far as it is not already in operation.	Right to remuneration on suspension on medical grounds.
Section 30	General exclusions from right under section 29.
Section 31	Calculation of remuneration.
Section 32	Complaint to industrial tribunal.
Section 33	Dismissal of replacement.
Section 34	Dismissal on grounds of pregnancy.
Section 35, apart from paragraph (a) of subsection (1).	Rights of employee in connection with pregnancy and confinement.
Section 42(4)	Power to make regulations as to the making of claims for rebates under section 42.

SCHEDULE 2 (*Continued*)

Provisions of the Act	Subject matter of provisions
Section 48	Right to return to work.
Section 49	Exercise of right to return.
Section 50	Failure to permit to return treated as dismissal.
Section 51	Dismissal of replacement.
Section 52	Interpretation of sections 35 to 51.
Section 53	Trade union membership and activities.
Section 54	Complaint to industrial tribunal.
Section 55	Supplementary.
Section 56	Assessment of compensation on a complaint under section 54.
Section 61	Time off to look for work or make arrangements for training.
Section 62, so far as it relates to the purposes of section 61.	Supplementary provisions.
Section 63(2)(b), and (c), so far as it relates to any payment under section 61(3).	Priority of certain debts on insolvency.
Section 64, so far as it is not already in operation.	Employee's rights on insolvency of employer.
Section 70	Written statement of reasons for dismissal.
Section 71	Order for reinstatement or re-engagement.
Section 72	Enforcement of section 71 order and compensation.
Section 73	Compensation for unfair dismissal.
Section 74	Calculation of basic award.
Section 75	Provisions supplementary to section 74.
Section 76	Calculation of compensatory award.
Section 77	Compensation for act which is both sex discrimination and unfair dismissal.
Section 78	Interim relief pending determination of complaint of unfair dismissal.
Section 79	Orders for continuation of contract of employment.
Section 80	Supplementary provisions as to interim relief.

SCHEDULE 2 (Continued)

Provisions of the Act	Subject matter of provisions
Section 85, so far as it is not already in operation.	Calculation of normal working hours and a week's pay.
Section 86	Review of limits.
Section 113, so far as it is not already in operation.	Payments which are to be treated as earnings for social security purposes.
Section 119, so far as it is not already in operation.	Excluded classes of employment.
Section 120	Transfers to and from Crown Employment.
Section 124(4)(b)	Financial provisions.
Section 125(1), so far as it relates to:— (a) Part I of Schedule 16, so far as it is not already in operation, except paragraph 6. (b) Part II of Schedule 16, apart from paragraphs 7, 8, 11, 13 and 14. (c) Part III of Schedule 16, so far as it is not already in operation, apart from paragraphs 14(1)(a) and 15. (d) Part IV of Schedule 16, so far as it is not already in operation.	Minor and consequential amendments.
Section 125(2), so far as it relates to paragraphs 7, 16 and 17 of Schedule 17.	Transitional provisions.
Section 125(3), so far as it relates to the Education (Scotland) Act 1962(a), the Redundancy Payments Act 1965(b), the Social Security Act 1973(c) and the remaining provisions relating to the Trade Union and Labour Relations Act 1974(d), except paragraph 9(1)(a) of Schedule 1.	Repeals.
Section 126, so far as it is not already in operation, apart from the definition of "guarantee payment" and "maternity pay".	Interpretation.

(a) 1962 c. 47.

(c) 1973 c. 38.

(b) 1965 c. 62.

(d) 1974 c. 52.

SCHEDULE 2 (*Continued*)

Provisions of the Act	Subject matter of provisions
Schedule 2	Provisions leading to suspension on medical grounds.
Schedule 3	Supplementary provisions as to maternity.
Schedule 4, so far as it is not already in operation.	Calculation of normal working hours and a week's pay.
Schedule 5	Schedule 2 to the Contracts of Employment Act 1972 as substituted.
Schedule 16, to the extent mentioned above in relation to section 125(1).	Minor and consequential amendments.
Schedule 17, to the extent mentioned above in relation to section 125(2).	Transitional provisions.
Schedule 18, to the extent mentioned above in relation to section 125(3).	Repeals.

Article 2

SCHEDULE 3

PROVISIONS COMING INTO OPERATION ON 6TH APRIL 1977

Provisions of the Act	Subject matter of provisions
Section 35, so far as it is not already in operation.	Rights of employee in connection with pregnancy and confinement.
Section 36	Maternity pay.
Section 37	Calculation of maternity pay.
Section 38	Complaint to industrial tribunal of failure to pay maternity pay.
Section 39	Maternity Pay Fund.
Section 40	Financing of Maternity Pay Fund.
Section 41	Advances out of National Loans Fund.
Section 42, so far as it is not already in operation.	Maternity pay rebate.
Section 43	Payments to employees out of Maternity Pay Fund.
Section 44	Unreasonable default by employer.

SCHEDULE 3 (*Continued*)

Provisions of the Act	Subject matter of provisions
Section 45	Supplementary provisions in relation to employer's insolvency.
Section 46	Complaint and appeals to industrial tribunal.
Section 47	Provisions to as information.
Section 124, so far as it is not already in operation.	Financial provisions.
Section 126, so far as it relates to the definition of "maternity pay".	Interpretation.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation on 20th April 1976 the provisions of the Employment Protection Act 1975 specified in Schedule 1, which relate to the power to make an order adding to, or removing from, the list of provisions in Schedule 2, the death of an employee or employer, offences by bodies corporate, certain amendments to the Trade Union and Labour Relations Act 1974 and financial provisions.

The Order brings into operation on 1st June 1976 the provisions of the Employment Protection Act 1975 specified in Schedule 2. These provisions include those relating to:—

- (a) medical suspension;
- (b) the right to return to work of an employee who is absent from work wholly or partly because of pregnancy or confinement and protection from dismissal because of pregnancy;
- (c) trade union membership and activities;
- (d) time off to look for work or make arrangements for training;
- (e) the right to a written statement of the reasons for dismissal;
- (f) remedies for unfair dismissal;
- (g) amendments to the Redundancy Payments Act 1965, the Contracts of Employment Act 1972 and the Trade Union and Labour Relations Act 1974.

The Order also brings into operation on 6th April 1977 the provisions of the Employment Protection Act 1975 relating to maternity pay.

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