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## STATUTORY INSTRUMENTS

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# 1986 No. 1960

## The Statutory Maternity Pay (General) Regulations 1986

### PART III

#### CONTINUOUS EMPLOYMENT AND NORMAL WORKING HOURS

##### Continuous employment and unfair dismissal

**12.**—(1) This regulation applies to a woman in relation to whose dismissal an action is commenced which consists—

- (a) of the presentation by her of a complaint under section 67(1) of the 1978 Act; or
- (b) of her making a claim in accordance with a dismissals procedure agreement designated by an order under section 65 of that Act; or
- (c) of any action taken by a conciliation officer under section 134(3) of that Act; <sup>[F1]</sup>or

<sup>[F1]</sup>(d) of a decision arising out of the use of a statutory dispute resolution procedure contained in Schedule 2 to the Employment Act 2002 in a case where, in accordance with the Employment Act 2002 (Dispute Resolution) Regulations 2004, such a procedure applies.]

(2) If in consequence of an action of the kind specified in paragraph (1) a woman is reinstated or re-engaged by her employer or by a successor or associated employer of that employer the continuity of her employment shall be preserved for the purposes of Part V of the 1986 Act and any week which falls within the interval beginning with the effective date of termination and ending with the date of reinstatement or re-engagement, as the case may be, shall count in the computation of her period of continuous employment.

(3) In this regulation—

“successor” and “dismissals procedure agreement” have the same meanings as in section 30(3) and (4) of the Trade Union and Labour Relations Act 1974, and

“associated employer” shall be construed in accordance with section 153(4) of the 1978 Act.

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##### Textual Amendments

**F1** [Reg. 12\(1\)\(d\)](#) and word inserted (with effect in accordance with reg. 2 of the amending S.I.) by [The Statutory Maternity Pay \(General\) and the Statutory Paternity Pay and Statutory Adoption Pay \(General\) \(Amendment\) Regulations 2005 \(S.I. 2005/358\)](#), regs. 1, **3(2)**

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