

SCHEDULE

Amendments to primary legislation

2.—(1) In section 105 of the 1996 Act (redundancy as unfair dismissal) in subsection (1)(c) (which requires one of a specified group of subsections to apply for a person to be treated as unfairly dismissed)⁽¹⁾ for “(7D)” there shall be substituted “(7E)” and after subsection (7D) there shall be inserted—

“(7E) This subsection applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one specified in paragraph (3) of regulation 7 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (unless the case is one to which paragraph (4) of that regulation applies).”.

(2) In section 108 of the 1996 Act (exclusion of right: qualifying period of employment) in subsection (3) (cases where no qualifying period of employment is required)⁽²⁾ the word “or” at the end of paragraph (h) shall be omitted and after paragraph (hh) there shall be inserted—

“or

(i) paragraph (1) of regulation 7 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 applies.”.

(3) In section 109 of the 1996 Act (exclusion of right: upper age limit) in subsection (2) (cases where upper age limit does not apply)⁽³⁾ the word “or” at the end of paragraph (h) shall be omitted and after paragraph (hh) there shall be inserted—

“or

(i) paragraph (1) of regulation 7 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 applies.”.

(1) Section 105 has been amended on a number of occasions to specify additional circumstances in which an employee dismissed by reason of redundancy is to be regarded as unfairly dismissed.

(2) Section 108(3) was amended by S.I.1999/1436, Article 3.

(3) Section 109(2) has been amended on a number of occasions to specify additional cases where the upper age limit does not apply.