



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

Supplementary provisions

149 General power to amend Act.

(1) Subject to the following provisions of this section, the Secretary of State may by order—

- (a) provide that any enactment contained in this Act which is specified in the order shall not apply to persons or to employments of such classes as may be prescribed in the order;
- (b) provide that any such enactment shall apply to persons or employments of such classes as may be prescribed in the order subject, except in relation to section 54 (but without prejudice to paragraph (a)), to such exceptions and modifications as may be so prescribed;
- (c) vary, or exclude the operation of, any of the following provisions of this Act, that is to say, sections [F1 13(2), 20(2), 49(4A),] [F2 53(2),] 64(1), F3 . . . 99, 141(2) and (5) F4 144(1), (2), (4) and (5), F5 and F6 . . . F4F6 . . .;

[F7(d) add to, vary or delete any of the provisions of Schedule 5.]

(2) Subsection (1) does not apply to the following provisions of this Act, namely, sections F4, 52, 55, 57, [F8 57A,] . . . 59, 62, 63, 65, 66, 67, [F8 73(6C) and (6D),] [F9 F10 . . . 75 [F8 75A(7) and (8),] . . .], 80, 103 to 120, 128, 134, 141(1) [F11, 142(1) and 151] and Schedules 3, 9 and 13, and, in addition, paragraph (b) of subsection (1) does not apply to sections 1 to 6 and 49 to 51 F12

[F13(2A) The Secretary of State may by order provide that, subject to any such modifications and exceptions as may be prescribed in the order, sections 22A to 22C (and any

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Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Section 149. (See end of Document for details)

other provisions of this Act so far as relating to those sections) shall apply to such descriptions of persons other than employees as may be prescribed in the order as they apply to employees (but as if references to their employer were references to such person as may be so prescribed).]

- (3) The provisions of this section are without prejudice to any other power of the Secretary of State to amend, vary or repeal any provision of this Act or to extend or restrict its operation in relation to any person or employment.
- (4) No order under [^{F14}this section, other than one to which subsection (5) applies,] shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
- [^{F15}(5) This subsection applies to an order under subsection (1)(b) which specifies only provisions contained in Part VI.]

Textual Amendments

- F1** Words inserted with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 9(1)(a)**
- F2** “53(2),” inserted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 15(2), 29(6), **Sch. 9 para. 4**
- F3** Words in s. 149(1)(c) (which were inserted by [Employment Act 1980 \(c. 42, SIF 43:5\)](#), **Sch. 1 para. 21**) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch. 10**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F4** Word repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), **Sch. 4**
- F5** “145(1), (2) and (3)” repealed by [Dock Work Act 1989 \(c. 13, SIF 43:1\)](#), s. 7(1), **Sch. 1 Pt. I**
- F6** Words in s. 149(1)(c) repealed (6.2.1995) by S.I. 1995/31, reg. 6, **Sch.**
- F7** S. 149(1)(d) repealed (1.4.1991) by [National Health and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**
- F8** Words in s. 149(2) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 24**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F9** Words substituted by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), **Sch. 3 para. 25**
- F10** Words in s. 149(2) repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, **Sch. 1** (with savings in Sch. 3 para. 2).
- F11** Words substituted with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 9(1)(b)**
- F12** Word repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), **Sch. 4**
- F13** S. 149(2A) inserted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 13**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F14** Words in s. 149(4) substituted (30.8.1993) by virtue of 1993 c. 19, s. 49(1), **Sch. 7 para. 16(a)**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F15** S. 149(5) inserted (30.8.1993) by 1993 c. 19, s. 49(1), **Sch. 7 para. 16(b)**; S.I. 1993/1908, art. 2(1), **Sch. 1**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Section 149.