



Employment Act 1980

1980 CHAPTER 42

An Act to provide for payments out of public funds towards trade unions' expenditure in respect of ballots, for the use of employers' premises in connection with ballots, and for the issue by the Secretary of State of Codes of Practice for the improvement of industrial relations; to make provision in respect of exclusion or expulsion from trade unions and otherwise to amend the law relating to workers, employers, trade unions and employers' associations; to repeal section 1A of the Trade Union and Labour Relations Act 1974; and for connected purposes. [1st August 1980]

Extent Information

- E1** The extent provision of this Act as originally enacted was repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202); see s. 21

Commencement Information

- I1** Act partly in force at Royal Assent see s. 21(2); Act wholly in force at 22.12.1980

Trade union ballots and Codes of Practice

F1

Textual Amendments

- F1** S. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

F2

Status: Point in time view as at 16/10/1992.
Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

Textual Amendments
F2 S. 2 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

F3
3

Textual Amendments
F3 S. 3 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

Exclusion from trade union membership

F4
4

Textual Amendments
F4 S. 4 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

F5
5

Textual Amendments
F5 S. 5 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

Unfair dismissal

6 Determination of unfair dismissal

In section 57(3) of the 1978 Act (determination of question of fairness to depend on whether employer can satisfy tribunal that he acted reasonably) for the words from “the employer can” to the end there shall be substituted the words “ in the circumstances (including the size and administrative resources of the employer’s undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee ; and that question shall be determined in accordance with equity and the substantial merits of the case ”.

Modifications etc. (not altering text)
C1 The text of s. 6 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

7 F6

Textual Amendments

F6 Ss. 7, 10 repealed by Employment Act 1982 (c. 46, SIF 43:5), s. 21(3), Sch. 4

8 Exclusion of rights.

(1) Section 73 of the 1978 Act (calculation of a basic award for unfair dismissal) shall be amended as follows.

“64A Extended qualifying period where no more than twenty employees.

(1) Subject to subsection (2), section 54 does not apply to the dismissal of an employee from any employment if—

- (a) the period (ending with the effective date of termination) during which the employee was continuously employed did not exceed two years ; and
- (b) at no time during that period did the number of employees employed by the employer for the time being of the dismissed employee, added to the number employed by any associated employer, exceed twenty.

(2) Subsection (1) shall not apply to the dismissal of an employee by reason of any such requirement or recommendation as is referred to in section 19(1), or if it shown that the reason (or, if more than one, the principal reason) for the dismissal was an inadmissible reason.”

(2) In section 142(1) of the 1978 Act (which provides that section 54 does not apply in relation to a contract for a fixed term of two years or more) for the words “two years” there shall be substituted the words “ one year ”.

Modifications etc. (not altering text)

C2 The text of s. 8 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

9 Basic award.

(1) Section 73 of the 1978 Act (calculation of a basic award for unfair dismissal) shall be amended as follows.

(2) In subsection (1) (provisions to which calculation of basic award is subject)—

- (a) after paragraph (b) there shall be inserted—
 - “(ba) subsection (7A) (which provides for the amount of the award to be reduced where the employee has unreasonably refused an offer of reinstatement) ;
 - (bb) subsection (7B) (which provides for the amount of the award to be reduced because of the employee’s conduct) ;” and
- (b) paragraph (c) shall cease to have effect.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

(3) In subsection (3) (calculation by reference to number of years of employment) for paragraphs (b) and (c) there shall be substituted—

“(b) one week’s pay for each year of employment not falling within paragraph (a) which consists wholly of weeks in which the employee was not below the age of twenty-two ; and

(c) half a week’s pay for each such year of employment not falling within paragraphs (a) and (b).”.

(4) After subsection (7) there shall be inserted—

“(7A) Where the tribunal finds that the complainant has unreasonably refused an offer by the employer which if accepted would have had the effect of reinstating the complainant in his employment in all respects as if he had not been dismissed, the tribunal shall reduce or further reduce the amount of the basic award to such extent as it considers just and equitable having regard to that finding.

(7B) Where the tribunal considers that any conduct of the complainant before the dismissal (or, where the dismissal was with notice, before the notice was given), other than conduct taken into account by virtue of subsection (7), was such that it was just and equitable to reduce or further reduce the amount of the basic award to any extent, the tribunal shall reduce or further reduce that amount accordingly.”.

(5) Subsection (8) (minimum basic award of two week’s pay) shall cease to have effect.

Modifications etc. (not altering text)

C3 The text of s. 9 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

10 **F7**

Textual Amendments

F7 Ss. 7, 10 repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 21(3), [Sch. 4](#)

Maternity

^{x1}**11 Notices to the employer.**

(1) In subsection (3) of section 33 of the 1978 Act (which specifies conditions to which the rights to maternity pay and return to work are subject) for paragraph (c) (information to employer) there shall be substituted—

“(c) in the case to the right to maternity pay, she informs her employer, in writing if he so requests, at least twenty-one days before her absence begins or, if that is not reasonably practicable, as soon as reasonably practicable, that she will be (or is) absent from work wholly or partly because of pregnancy or confinement ; and

Status: Point in time view as at 16/10/1992.

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- (d) in the case of the right to return, she informs her employer in writing at least twenty-one days before her absence begins or, if that is not reasonably practicable, as soon as reasonably practicable,—
- (i) that she will be (or is) absent from work wholly or partly because of pregnancy or confinement,
 - (ii) that she intends to return to work with her employer, and
 - (iii) of the expected week of confinement or, if the confinement has occurred, the date of confinement.”
- (2) After that subsection there shall be inserted—
- “(3A) Where not earlier than forty-nine days after the beginning of the expected week of confinement (or the date of confinement) notified under subsection (3)(d) an employee is requested in accordance with subsection (3B) by her employer or a successor of his to give to him written confirmation that she intends to return to work, she shall not be entitled to the right to return unless she gives that confirmation within fourteen days of receiving the request or, if that is not reasonably practicable, as soon as reasonably practicable.
- (3B) A request under subsection (3A) shall be made in writing and shall be accompanied by a written statement of the effect of that subsection.”.
- (3) In section 47 of the 1978 Act, in subsection (1) (employee to exercise her right to return to work by notifying the employer at least seven days in advance)—
- (a) for the word “notifying” there shall be substituted the words “ giving written notice to ”, and
 - (b) for the word “seven” there shall be substituted the words “ twenty-one ” ;
- and in subsections (6) and (7) for the word “fourteen” there shall be substituted the word “ twenty-eight ”.

Editorial Information

- X1** The text of s. 11 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

12 Right to return.

After section 56 of the 1978 Act there shall be inserted—

“56A Exclusion of s. 56 in certain cases.

- (1) Section 56 shall not apply in relation to an employee if—
- (a) immediately before her absence began the number of employees employed by her employer, added to the number employed by any associated employer of his, did not exceed five, and
 - (b) it is not reasonably practicable for the employer (who may be the same employer or a successor of his) to permit her to return to work in accordance with section 45(1), or for him or an associated employer to offer her employment under a contract of employment satisfying the conditions specified in subsection (3).

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

- (2) Section 56 shall not apply in relation to an employee if—
- (a) it is not reasonably practicable for a reason other than redundancy for the employer (who may be the same employer or a successor of his) to permit her to return to work in accordance with section 45(1), and
 - (b) he or an associated employer offers her employment under a contract of an employment satisfying the conditions specified in subsection (3), and
 - (c) she accepts or reasonably refuses that offer.
- (3) The conditions referred to in subsections (1) and (2) are—
- (a) that the work to be done under the contract is of a kind which is both suitable in relation to the employee and appropriate for her to do in the circumstances; and
 - (b) that the provisions of the contract as to the capacity and place in which she is to be employed and as to the other terms and conditions of her employment are not substantially less favourable to her than if she had returned to work in accordance with section 45(1).
- (4) Where on a complaint of unfair dismissal any question arises as to whether the operation of section 56 is excluded by subsection (1) or (2), it shall be for the employer to show that the provisions of that subsection were satisfied in relation to the complainant.”

Modifications etc. (not altering text)

- C4** The text of s. 12 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

13 Time off for ante-natal care.

After section 31 of the 1978 Act there shall be inserted—

“31A Time off for ante-natal care.

- (1) An employee who is pregnant and who has, on the advice of a registered medical practitioner, registered midwife or registered health visitor, made an appointment to attend at any place for the purpose of receiving ante-natal care shall, subject to the following provisions of this section, have the right not to unreasonably refused time off during her working hours to enable her to keep the appointment.
- (2) Subject to subsection (3), an employer shall not be required by virtue of this section to permit an employee to take time off to keep an appointment unless, if he requests her so to do, she produces for his inspection—
 - (a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that the employee is pregnant, and
 - (b) an appointment card or some other document showing that the appointment has been made.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

- (3) Subsection (2) shall not apply where the employee's appointment is the first appointment during her pregnancy for which she seeks permission to take time off in accordance with subsection (1).
- (4) An employee who is permitted to take time off during her working hours in accordance with subsection (1) shall be entitled to be paid remuneration by her employer for the period of absence at the appropriate hourly rate.
- (5) The appropriate hourly rate in relation to an employee shall be the amount of one week's pay divided by—
 - (a) the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time is taken off ; or
 - (b) where the number of such normal working hours differs from week to week or over a longer period, the average number of such hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which time off is taken ; or
 - (c) in a case falling within paragraph (b) but where the employee has not been employed for a sufficient period to enable the calculation to be made under that paragraph, a number which fairly represents the number of normal working hours in a week having regard to such of the following considerations as are appropriate in the circumstances, that is to say,—
 - (i) the average number of normal working hours in a week which the employee could expect in accordance with the terms of her contract ;
 - (ii) the average number of such hours of other employess engaged in relevant comparable employment with the same employer.
- (6) An employee may present a complaint to an industrial tribunal that her employer has unreasonably refused her time off as required by this section or that he has failed to pay her the whole or part of any amount to which she is entitled under subsection (4).
- (7) An industrial tribunal shall not entertain a complaint under subsection (6) unless it is presented within the period of three months beginning with the day of the appointment concerned, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within the period of three months.
- (8) Where on a complaint under subsection (6) the tribunal finds the complaint well-founded it shall make a declaration to that effect ; and—
 - (a) if the complaint is that the employer has unreasonably refused the employee time off, the tribunal shall order the employer to pay to the employee an amount equal to the remuneration to which she would have been entitled under subsection (4) if the time off had not been refused ; and
 - (b) if the complaint is that the employer has failed to pay the employee the whole or part of any amount to which she is entitled under subsection (4), the tribunal shall order the employer to pay to the employee the amount which it finds due to her.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

- (9) Subject to subsection (10) a right to any amount under subsection (4) shall not affect the right of the employee in relation to remuneration under her contract of employment (in this section referred to as “contractual remuneration”).
- (10) Any contractual remuneration paid to an employee in respect for a period of time off under this section shall go towards discharging any liability of the employer to pay remuneration under subsection (4) in respect of that period, and conversely any payment of remuneration under subsection (4) in respect of a period shall go towards discharging any liability of the employer to pay contractual remuneration in respect of that period.
- (11) Until the coming into operation of section 10 of the Nurses, Midwives and Health Visitors Act 1979, this section shall have effect as if for any reference to a registered midwife or registered health visitor there were substituted a reference to a certified midwife.”

Modifications etc. (not altering text)

C5 The text of s. 13 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

Other rights of employees

14 Guarantee payments.

- (1) In section 15(2) of the 1978 Act (which restricts entitlement to five days in any one of the periods of three months beginning on 1st February, 1st May, 1st August and 1st November) for the words from “any” to the end there shall be substituted the words “ any period of three months ”.
- (2) This section shall not have effect in relation to workless days (within the meaning of section 12 of that Act) falling before the commencement of this section except so far as they are relevant in determining entitlement to guarantee payments in respect of days falling after that time.

Modifications etc. (not altering text)

C6 The text of s. 14 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

^{F8}15

Textual Amendments

F8 [S. 15](#) repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch. 1](#)

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

Restrictions on legal liability

F⁹16

Textual Amendments

F⁹ S. 16 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

17 **F¹⁰**

Textual Amendments

F¹⁰ S. 17 repealed by Employment Act 1990 (c. 38, SIF 43:5), s. 16(2), **Sch. 3**

18 **F¹¹**

Textual Amendments

F¹¹ S. 18 repealed by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 4**

Miscellaneous and general

F¹²19

Textual Amendments

F¹² S. 19 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch. 1**

20 Interpretation, minor and consequential amendments and repeals.

(1) In this Act—

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F¹³
...

“the 1978 Act” means the ^{M¹}Employment Protection (Consolidation) Act 1978.

(2) Schedule 1 to this Act (which makes minor and consequential amendments) shall have effect.

(3) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

Textual Amendments

F13 Definitions in s. 20 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, [Sch.1](#)

Modifications etc. (not altering text)

C7 The text of s. 20(2)(3) is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

Marginal Citations

M1 [1978 c. 44.](#)

21 Short title, commencement and extent.

- (1) This Act may be cited as the Employment Act 1980.
- (2) Sections 2, 4 to 19 and 20(2) and (3) of this Act, and Schedules 1 and 2, shall not come into operation until such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.
- (3) An order under this section may contain such transitional and supplementary provisions as appear to the Secretary of State to be necessary or expedient.
- (4) Paragraph 7 of Schedule 1 to this Act shall extend to Northern Ireland, but otherwise this Act shall not extend there.

Modifications etc. (not altering text)

C8 [S. 21\(2\)](#): power of appointment conferred by s. 21(2) fully exercised: [S.I. 1980/1170](#) and 1980/1926 with respect to ss. 19(a) and 20(3)

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

SCHEDULE 1

Section 20.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C9** The text of Sch. 1 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and, except as specified, does not reflect any amendments or repeals that may have been made prior to 1.2.1991

The Post Office Act 1969.

- 1 In section 81(1) of the ^{M2}Post Office Act 1969 (exclusion of road haulage workers employed by the Post Office from the workers in relation to whom wages councils may operate) the words from the beginning to “the Road Haulage Wages Act 1938 ; and” shall cease to have effect.

Marginal Citations

- M2** 1969 c. 48.

The Trade Union and Labour Relations Act 1974

- F14₂

Textual Amendments

- F14** Sch. 1 para. 2 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) (c. 52), ss. 300(1), 302, [Sch. 1](#)

- F15₃

Textual Amendments

- F15** Sch. 1 para. 3 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) (c. 52), ss. 300(1), 302, [Sch. 1](#)

The ^{M3}Employment Protection Act 1975

Marginal Citations

- M3** 1975 c. 71.

- F16₄

Status: Point in time view as at 16/10/1992.
Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

Textual Amendments
F16 Sch. 1 para. 4 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1

F17₅

Textual Amendments
F17 Sch. 1 para. 5 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1

F18₆

Textual Amendments
F18 Sch. 1 para. 6 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1

F19₇

Textual Amendments
F19 Sch. 1 para. 7 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1

The Employment Protection (Consolidation) Act 1978

8 In section 15(5) of the 1978 Act, for the words “relevant periods” there shall be substituted the words “ length of the period ”.

9 **F20**

Textual Amendments
F20 Sch. 1 para. 9 repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), Sch. 7 Pt. III

10 In section 55(5) of the 1978 Act, after “64(1)(a)” there shall be inserted “ 64A ”.

11 In section 56 of the 1978 Act, after the word “then” there shall be inserted the words “ subject to section 56A ”.

12 **F21**

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

Textual Amendments

F21 Sch. 1 paras. 12, 14 repealed by Employment Act 1982 (c. 46, SIF 43:5), s. 21(3), Sch. 4

- 13 In section 66 of the 1978 Act (revocation of exclusion orders under section 65)—
- (a) subsection (1) shall cease to have effect ; and
 - (b) in subsection (2) for the words from “on” to “satisfied” there shall be substituted the words “at any time when an order under section 65 is in force in respect of a dismissal procedures agreement the Secretary of State is satisfied, whether on an application by any of the parties to the agreement or otherwise,”

14 F22

Textual Amendments

F22 Sch. 1 paras. 12, 14 repealed by Employment Act 1982 (c. 46, SIF 43:5), s. 21(3), Sch. 4

15 F23

Textual Amendments

F23 Sch. 1 para.15 repealed by Insolvency Act 1985 (c. 65, SIF 66), s. 235(3), Sch. 10 Pt. IV

- 16 In section 128(4) of the 1978 Act, after the word “references” there shall be inserted the word “ applications ”.

- 17 In section 133(1) of the 1978 Act, in paragraph (a) after “31” there shall be inserted “ 31A ”, ^{F24} . . .

Textual Amendments

F24 Words in Sch. 1 para. 17 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1

- 18 In section 134 of the 1978 Act, for subsection (3) there shall be substituted—
- “(3) Where—
- (a) a person claims that action has been taken in respect of which a complaint could be presented by him under section 67, and
 - (b) before any complaint relating to that action has been so presented, a request is made to the conciliation officer (whether by that person or by the employer) to make his services available to them,
- the conciliation officer shall act in accordance with subsections (1) and (2) above as if a complaint had been presented.”

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

F25 19

Textual Amendments
F25 Sch. 1 para. 19 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1

20 In section 140 of the 1978 Act (restrictions on contracting out of the 1978 Act) subsection (2)(b) shall cease to have effect.

21 In section 149 of the 1978 Act—
(a) in subsection (1)(c), after “64(1)” there shall be inserted “ 64A(1) ”;
F26(b)

Textual Amendments
F26 Sch. 1 para. 21(b) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1

22 In section 154 of the 1978 Act (orders, rules and regulations)—
(a) in subsection (1) the words “or an order under section 65 or 66” shall cease to have effect ; and
(b) in subsection (4) for the words from “section 96” to the end there shall be substituted the words “ section 65, 66 and 96 ”.

23 In the subsection set out in paragraph 2(1) of Schedule 2 to the 1978 Act, for the words from “the employer can” to the end there shall be substituted the words “ in the circumstances (including the size and administrative resources of the employer’s undertaking) the employer would have been acting reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee if she had not been absent from work ; and that question shall be determined in accordance with equity and the substantial merits of the case ”

F27 24

Textual Amendments
F27 Sch. 1 para. 24 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch. 1

25 In paragraph 5 of Schedule 3 to the 1978 Act, for the words “or31” there shall be substituted the words “ 31 or 31A ”.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

26 In paragraph 1(2)(a) of Schedule 9 to the 1978 Act, after the word “question” there shall be inserted the word “ application ”.

27 In paragraph 7 of Schedule 9 to the 1978 Act, for sub-paragraph (2) there shall be substituted—

“(2) Any order for the payment of any sum made by an industrial tribunal in Scotland (or any copy of such an order certified by the Secretary of the Tribunals) may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the Sheriff Court of any Sheriffdom in Scotland.”

28 In paragraph 18 of Schedule 11 to the 1978 Act, after sub-paragraph (a) there shall be inserted—

“(aa) with respect to the manner in which an application to the Appeal Tribunal under the Employment Act 1980 may be made;”

and after sub-paragraph (c) there shall be inserted

“(d) for the registration and proof of any award made on an application to the Appeal Tribunal under section 5 of the Employment Act 1980.”.

29 After paragraph 21 of Schedule 11 to the 1978 Act there shall be inserted—

“21A (1) Any sum payable in England and Wales in pursuance of an award of the Appeal Tribunal under section 5 of the Employment Act 1980 which has been registered in accordance with the rules shall, if a county court so orders, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

(2) Any order by the Appeal Tribunal for the payment in Scotland of any sum in pursuance of such an award (or any copy of such an order certified by the Secretary of the Tribunals) may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the Sheriff Court of any Sheriffdom in Scotland.”

30 ^[F28]In paragraph 23(1) of Schedule 11 of the 1978 Act, for the words from “section 14” to “those provisions” there shall be substituted the words “ sections 31 and 32 of the Powers of Criminal Courts Act 1973 (powers of Crown Court in relation to fines and forfeited recognisances) shall have effect as if ”.]

Textual Amendments

F28 Sch. 1 para. 30 repealed (E.W.) by [Contempt of Court Act 1981 \(c. 49, SIF 39:3\)](#), s. 16(6)

31 In paragraph 10 of Schedule 13 to the 1978 Act, for the words “section 47” there shall be substituted the words “ section 45(1) or in pursuance of an offer made in the circumstances described in section 56A(2) ”.

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1980. (See end of Document for details)

- 32 In paragraph 11 of Schedule 13 to the 1978 Act, after “64(1)(a)” there shall be inserted “ 64A(1) ”.
- 33 In paragraph 7(1) of Schedule 14 to the 1978 Act, after paragraph (c) there shall be inserted—
“(cc) where the calculation is for the purposes of section 31A the day of the appointment concerned ;”.

SCHEDULE 2

Section 20.

REPEALS

Modifications etc. (not altering text)

C10 The text of Sch. 2 is in the form in which it was originally enacted; it was not reproduced in Statutes in Force and does not reflect any amendments or repeals that may have been made prior to 1.2.1991

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c. 44.	The Road Haulage Wages Act 1938.	The whole Act.
12, 13 & 14 Geo. 6. c. 7.	The Wages Council Act 1948.	In section 1(1)(c), the words from “Parts II and III” to the end and Schedule 1.
1968 c. 73.	The Transport Act 1968.	Section 69(4)(d). So much of Schedules 10 and 11 as amends the Road Haulage Wages Act 1938.
1969 c. 35.	The Transport (London) Act 1969.	In Schedule 3, paragraph 1(2)(a).
1969 c. 48.	The Post Office Act 1969.	In section 81, in subsection (1), the words from the beginning to “the Road Haulage Wages Act 1938; and”, and subsection (2).
1972 c. 68.	The European Communities Act 1972.	In paragraph 9(4) of Schedule 4, the words from the beginning to “1938” and the words from “after” to “Part VI; and”.
1974 c. 52.	The Trade Union and Labour Relations Act 1974.	Section 1A. Section 13(3).

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		In Schedule 1, in paragraph 32(1), the words from “Except” to “below”, and paragraph 32(2).
		In Schedule 3, paragraph 4.
1975 c. 18.	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraph 4.
1975 c. 60.	The Social Security Pensions Act 1975.	Section 31(9).
1975 c. 71.	The Employment Protection Act 1975.	Sections 11 to 16.
		In section 17(2), paragraph (b) and the word “or” immediately preceding it.
		In section 21(5), paragraph (b) and the word immediately preceding it.
		Section 98.
		Section 106(1).
		In section 118(2)(d), the words “16(7)(b) or (c) or”, the words from “or paragraph” to “this Act” the words “16 or” and the words from “or, as” to the end.
		In section 121(1), the reference to section 16.
		In section 127(1)(g), the words “in paragraphs (a) to (f)”.
		Schedule 11.
		In Part IV of Schedule 16, paragraphs 4 and 17.
		In Schedule 17, paragraph 13.
1976 c. 3.	The Road Traffic (Drivers Ages and Hours of Work) Act 1976.	In section 2(3), the words from “the following” to “1938” and the word “and”.
1976 c. 7.	The Trade Union and Labour Relations (Amendment) Act 1976.	Section 2.
1976 c. 79.	The Dock Work Regulation Act 1976.	In section 15(1), in the definition of “recognised”,

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		the words from “and a union” to the end.
1977 c. 3.	The Aircraft and Shipbuilding Industries Act 1977.	In section 56(1), in the definition of “relevant trade union”, the words from “or as” to the end.
1978 c. 36.	The House of Commons (Administration) Act 1978.	In Schedule 1, in paragraph 5(6), the words “Part IV of”.
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In section 23, in subsection (1)(c), the words “which is not independent” and subsections (3) to (6). In section 25(1), paragraph (b) and the word “and” immediately preceding it. In section 32(1)(a), the words “not only” and the words from “but” to “1975”. In section 33(3), the word “and” at the end of paragraph (b). Section 58(4). Section 66(1). Section 73(1)(c) and (8). Section 97. In section 135(1), the words from “for the purpose” to the end. Section 140(2)(b). In section 154(1), the words “or an order under section 65 or 66”. In Schedule 6, in paragraph 12(2)(b), sub-paragraph (ii) and the word “or” immediately preceding it.
1979 c. 12.	The Wages Councils Act 1979.	In Schedule 6, paragraph 1.

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