

**Changes to legislation:** There are currently no known outstanding effects for the Employment Relations Act 2004, Cross Heading: Employment Rights Act 1996. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Employment Rights Act 1996*

- 28 In section 92 of the Employment Rights Act 1996 (c. 18) (right to written statement of reasons for dismissal), in subsection (6), for paragraph (c) substitute—
- “(c) in relation to an employee who is employed under a limited-term contract which terminates by virtue of the limiting event without being renewed under the same contract, means the date on which the termination takes effect.”

##### Commencement Information

- I1** Sch. 1 para. 28 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 29 In section 95(1) of that Act (circumstances in which employee is dismissed), omit “and section 96”.

##### Commencement Information

- I2** Sch. 1 para. 29 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 30 In section 98(6)(b) of that Act (provisions to which provision about determination of fairness of dismissal is subject), for “and 238” substitute “, 238 and 238A ”.

##### Commencement Information

- I3** Sch. 1 para. 30 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 12)

- 31 In section 104(4)(c) of that Act (assertion of statutory right), after “86,” insert “145A, 145B, ”.

##### Commencement Information

- I4** Sch. 1 para. 31 in force at 1.10.2004 by S.I. 2004/2566, art. 3(b) (with art. 6)

- 32 In section 108(3) of that Act (exceptions to one year qualifying period of continuous employment for claims for unfair dismissal), for paragraph (b) substitute—
- “(b) subsection (1) of section 99 (read with any regulations made under that section) applies,”.

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**I5** Sch. 1 para. 32 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 12)

- 33 In section 109(2) of that Act (exceptions to upper age limit for claims for unfair dismissal), for paragraph (b) substitute—  
 “(b) subsection (1) of section 99 (read with any regulations made under that section) applies,”.

**Commencement Information**

**I6** Sch. 1 para. 33 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 12)

- 34 (1) Section 191 of that Act (application to the Crown) is amended as follows.  
 (2) In subsection (4), omit the word “and” at the end of paragraph (d) and after that paragraph insert—  
 “(da) the reference in section 98B(2)(a) to the employer’s undertaking shall be construed as a reference to the national interest, and”.  
 (3) In that subsection, in paragraph (e), for “references”, where it first occurs, substitute “any other reference”.

**Commencement Information**

**I7** Sch. 1 para. 34 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 35 In subsection (2) of section 192 of that Act (provisions applicable to service as a member of the armed forces on the commencement of that section)—  
 (a) in paragraph (aa), after “sections”, where it first occurs, insert “43M, ”; and  
 (b) in paragraph (e), after “sections” insert “98B(2) and (3), ”.

**Commencement Information**

**I8** Sch. 1 para. 35 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 36 (1) Section 194 of that Act (provisions of the Act which have effect in relation to employment as a member of the staff of the House of Lords) is amended as follows.  
 (2) In subsection (2), in paragraph (c), after “sections”, where it first occurs, insert “43M, ”.  
 (3) After that subsection insert—  
 “(2A) For the purposes of the application of section 98B(2) in relation to a relevant member of the House of Lords staff, the reference to the employer’s undertaking shall be construed as a reference to the national interest or, if the case so requires, the interests of the House of Lords.”  
 (4) In subsection (3) for “the provisions” substitute “the other provisions”.

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**I9** Sch. 1 para. 36 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 37 (1) Section 195 of that Act (provisions of the Act which have effect in relation to employment as a member of the staff of the House of Commons) is amended as follows.
- (2) In subsection (2), in paragraph (c), after “sections”, where it first occurs, insert “43M, ”.
- (3) After that subsection insert—
- “(2A) For the purposes of the application of section 98B(2) in relation to a relevant member of the House of Commons staff, the reference to the employer’s undertaking shall be construed as a reference to the national interest or, if the case so requires, the interests of the House of Commons.”
- (4) In subsection (3)(d), after “undertaking” insert “ (other than in section 98B) ”.

**Commencement Information**

**I10** Sch. 1 para. 37 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 38 In section 200 of that Act (application of certain provisions of the Act to police officers), in subsection (1), after “sections”, in the second place where it occurs, insert “43M, ”.

**Commencement Information**

**I11** Sch. 1 para. 38 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

- 39 (1) Section 202 of that Act (restrictions on disclosure of information: national security) is amended as follows.
- (2) In subsection (2)(b), after “sections”, where it first occurs, insert “43M, ”.
- (3) In subsection (2)(g)—
- (a) in sub-paragraph (i), after “section”, where it first occurs, insert “98B, ”; and
- (b) in sub-paragraph (ii), for “(2),” substitute “(2A), ”.

**Commencement Information**

**I12** Sch. 1 para. 39 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

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