
Changes to legislation: Health and Social Care Act 2012, Cross Heading: Employment Rights Act 1996 (c. 18) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Employment Rights Act 1996 (c. 18)

72 The Employment Rights Act 1996 is amended as follows.

Commencement Information

- I1** Sch. 5 para. 72 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**
I2 Sch. 5 para. 72 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

73 In section 43K (extension of meaning of “worker” etc for Part 4A)—

- (a) in subsection (1)(ba) for “a Primary Care Trust” (in each place where it occurs) substitute “the National Health Service Commissioning Board”,
- (b) in subsection (1)(c)(i) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
- (c) in subsection (2)(aa) for “the Primary Care Trust or” substitute “the National Health Service Commissioning Board, or the”.

Commencement Information

- I3** Sch. 5 para. 73 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

74 In section 50 (right to time off for public duties), in subsection (8)—

- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board,
 - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,”and
- (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority established under section 13 of the National Health Service Act 2006,”, and
 - (ii) omit “or a Primary Care Trust established under section 18 of the National Health Service Act 2006,”.

Commencement Information

- I4** Sch. 5 para. 74(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**
I5 Sch. 5 para. 74(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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- 75 In section 218 (change of employer), in subsection (10)—
- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board,
 - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,”
 - (b) omit paragraph (a),
 - (c) in paragraph (b) for “that Act” substitute “the National Health Service Act 2006”,
 - (d) omit paragraph (bb), and
 - (e) in paragraph (c) for “that Act” substitute “the National Health Service Act 2006”.

Commencement Information

- I6** Sch. 5 para. 75(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**
- I7** Sch. 5 para. 75(b)-(e) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251 substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)