STATUTORY INSTRUMENTS

1978 No. 1777

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Protection (Variation of Limits) Order 1978

Laid before Parliament in draft

Made - - - - 4*th December* 1978

Coming into Operation 1*st February* 1979

Whereas, in accordance with section 148 of the Employment Protection (Consolidation) Act 1978(a) ("the 1978 Act") the Secretary of State has reviewed the limits referred to in sections 15 and 122(5) of, and the limits imposed by paragraph 8(1) of Schedule 14 to, the 1978 Act:

And whereas the Secretary of State having had regard to the considerations mentioned in section 148(2) of the 1978 Act has determined that certain of those limits shall be varied as hereinafter provided:

And whereas a draft of the following Order was laid before Parliament in accordance with section 148(3) of the 1978 Act and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 15(5), 122(6), 148 and 154(3) of, and paragraph 8(2), (3) and (4) of Schedule 14 to, the 1978 Act, and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Protection (Variation of Limits) Order 1978 and shall come into operation on 1st February 1979.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Variation of limits

2. Subject to Article 3 below, each limit specified in columns 1 and 2 of the table below is varied by the substitution of the new figure in column 3 for the old figure in column 4.

(a) 1978 c. 44. (b) 1889 c. 63.

Column 1 Provision	*Column* 2 Nature of Limit	*Column* 3 New figure	*Column* 4 Old figure
1. Section 15(1) of the 1978 Act.	Limit on amount of guarantee pay payable to an employee in respect of any day.	£7.25	£6.60
2. Section 122(5) of the 1978 Act.	Limit on amount payable to an employee in respect of any debt mentioned in section 122(3) of the 1978 Act where that debt is referable to a period of time.	£110.00	£100.00
3. Paragraph 8(1)(a) of Schedule 14 to the 1978 Act.	Limit on amount of "a week's pay" for the purpose of calculating additional award of compensation where employer fails to comply with order for reinstatement or re-engagement under section 69 of the 1978 Act.	£110.00	£100.00
4. Paragraph 8(1)(b) of Schedule 14 to the 1978 Act.	Limit on amount of "a week's pay" for the purpose of calculating basic award of compensation for unfair dismissal under section 73 of the 1978 Act.	£110.00	£100.00
5. Paragraph 8(1)(c) of Schedule 14 to the 1978 Act.	Limit on amount of "a week's pay" for the purpose of calculating redundancy payment.	£110.00	£100.00

Supplementary and transitional provisions

3.—(1) The variation specified in item 1 of the table in Article 2 above shall have effect as respects any day after this Order comes into operation.

(2) The variation specified in item 2 of the table in Article 2 above shall have effect where the insolvency (within the meaning of section 122 of the 1978 Act) occurs after this Order comes into operation.

(3) The variation specified in item 3 of the table in Article 2 above shall have effect as respects an employer's failure to comply with an order for reinstatement or re-engagement where the date (specified under section 69(2)(*c*) or, as the case may be, section 69(4)(*f*) of the 1978 Act) by which the order must be complied with falls after this Order comes into operation.

(4) The variation specified in item 4 of the table in Article 2 above shall have effect where the effective date of termination as defined in section 55(4) or, where applicable, section 55(5) of the 1978 Act falls after this Order comes into operation.

(5) The variation specified in item 5 of the table in Article 2 above shall have effect—

(*a*) as respects a lay-off or a keeping on short time where the relevant date (as defined in section 90(2) of the 1978 Act) falls after this Order comes into operation; and

(*b*) as respects a dismissal where the relevant date for the purposes of paragraph 8(4) of Schedule 14 to the 1978 Act falls after this Order comes into operation.

Signed by order of the Secretary of State.
4th December 1978.

Harold Walker,
Minister of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 1st February 1979, varies certain of the limits which are required to be reviewed annually by the Secretary of State under section 148 of the Employment Protection (Consolidation) Act 1978. The limit on the amount of guarantee pay payable under section 15(1) of the 1978 Act in respect of any day is increased from £6.60 to £7.25. The limit on the amount for the purpose of calculating the sum payable by the Secretary of State under section 122 of the 1978 Act in respect of a debt due to an employee whose employer becomes insolvent is increased from £100 to £110. The limits on the amount of "a week's pay" for the purposes of calculating redundancy payments and basic and additional awards of compensation for unfair dismissal are likewise increased from £100 to £110.

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