

*Status: Point in time view as at 30/08/1993.*

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

## SCHEDULES

### SCHEDULE 12

#### DEATH OF EMPLOYEE OR EMPLOYER

##### Modifications etc. (not altering text)

- C1** Sch. 12 extended (E.W.) (3.1.1995) by 1994 c. 40, ss. 20, 82(2), **Sch. 8 para. 22**  
Sch. 12 extended (*prosp.*) by 1995 c. 26, ss. **46(4)(c)**, 180(1) (with s. 121(5))  
Sch. 12 extended (E.W.) (26.8.1994) by 1994 c. 20, s. 4, **Sch. 4 para. 22**; S.I. 1994/1841, **art. 2**

### PART III

#### REDUNDANCY PAYMENTS: DEATH OF EMPLOYER

##### *Dismissal*

- 14 Where by virtue of subsection (1) of section 93 the death of the deceased employer is to be treated for the purposes of Part VI of this Act as a termination by him of the contract of employment, section 84 shall have effect subject to the following modifications:—
- (a) for subsection (1) there shall be substituted the following subsection—
- “(1) If an employee’s contract of employment is renewed, or he is re-engaged under a new contract of employment, by a personal representative of the deceased employer and the renewal or re-engagement takes effect not later than eight weeks after the death of the deceased employer, then, subject to subsections (3) and (6), the employee shall not be regarded as having been dismissed by reason of the ending of his employment under the previous contract.”
- (b) in subsection (2), paragraph (a) shall be omitted and in paragraph (b) for the words “four weeks” there shall be substituted the words “eight weeks”;
- (c) in subsections (5) and (6), references to the employer shall be construed as references to the personal representative of the deceased employer.
- 15 Where by reason of the death of the deceased employer the employee is treated for the purpose of Part VI of this Act as having been dismissed by him, section 82 shall have effect subject to the following modifications—
- (a) for subsections (3) there shall be substituted the following subsection—
- “(3) If a personal representative of the deceased employer makes an employee an offer (whether in writing or not) to renew his contract

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of employment, or to re-engage him under a new contract of employment, so that the renewal or re-engagement would take effect not later than eight weeks after the death of the deceased employer the provisions of subsections (5) and (6) shall have effect.”

- (b) in subsection (4), paragraph (a) shall be omitted and in paragraph (b) for the words “four weeks” there shall be substituted the words “eight weeks”;
- (c) in subsection (5), the references to the employer shall be construed as a reference to the personal representative of the deceased employer.

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For the purposes of section 82 as modified by paragraph 15—

- (a) an offer shall not be treated as one whereby the provisions of the contract as renewed, or of the new contract, as the case may be, would differ from the corresponding provisions of the contract as in force immediately before the death of the deceased employer by reason only that the personal representative would be substituted as the employer for the deceased employer, and
- (b) no account shall be taken of that substitution in determining whether the refusal of the offer was unreasonable, or, as the case may be, whether the employee acted reasonably in terminating the renewed, or new, employment during the trial period referred to in section 84.

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