

*Status: Point in time view as at 16/08/2004. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Employment Rights Act 1996, Cross Heading: Other dismissals is up to date with all changes known to be in force on or before 10 June 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)*



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

#### RIGHT NOT TO BE UNFAIRLY DISMISSED

#### *Other dismissals*

VALID FROM 06/04/2010

#### **[<sup>F1</sup>104E Study and training**

An employee who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee—

- (a) made (or proposed to make) a section 63D application,
- (b) exercised (or proposed to exercise) a right conferred on the employee under section 63F,
- (c) brought proceedings against the employer under section 63I, or
- (d) alleged the existence of any circumstance which would constitute a ground for bringing such proceedings.]

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### Textual Amendments

- F1** S. 104E inserted (6.4.2010 for certain purposes and otherwise prosp.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 40\(4\)](#), 269(4); S.I. 2010/303, [art. 4](#), Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)

VALID FROM 02/03/2010

### [<sup>F2</sup>104F Blacklists

- (1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal relates to a prohibited list, and either—
  - (a) the employer contravenes regulation 3 of the 2010 Regulations in relation to that prohibited list, or
  - (b) the employer—
    - (i) relies on information supplied by a person who contravenes that regulation in relation to that list, and
    - (ii) knows or ought reasonably to know that the information relied on is supplied in contravention of that regulation.
- (2) If there are facts from which the tribunal could conclude, in the absence of any other explanation, that the employer—
  - (a) contravened regulation 3 of the 2010 Regulations, or
  - (b) relied on information supplied in contravention of that regulation,
 the tribunal must find that such a contravention or reliance on information occurred, unless the employer shows that it did not.
- (3) In this section—
 

“the 2010 Regulations” means the Employment Relations Act 1999 (Blacklists) Regulations 2010, and

“prohibited list” has the meaning given in those Regulations (see regulation 3(2)).]

### Textual Amendments

- F2** S. 104F inserted (2.3.2010) by [The Employment Relations Act 1999 \(Blacklists\) Regulations 2010 \(S.I. 2010/493\)](#), [reg. 12\(2\)](#)

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