



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XI

#### REDUNDANCY PAYMENTS ETC.

### CHAPTER III

#### RIGHT BY REASON OF LAY-OFF OR SHORT-TIME

##### *Lay-off and short-time*

#### **147 Meaning of “lay-off” and “short-time”.**

- (1) For the purposes of this Part an employee shall be taken to be laid off for a week if—
  - (a) he is employed under a contract on terms and conditions such that his remuneration under the contract depends on his being provided by the employer with work of the kind which he is employed to do, but
  - (b) he is not entitled to any remuneration under the contract in respect of the week because the employer does not provide such work for him.
- (2) For the purposes of this Part an employee shall be taken to be kept on short-time for a week if by reason of a diminution in the work provided for the employee by his employer (being work of a kind which under his contract the employee is employed to do) the employee’s remuneration for the week is less than half a week’s pay.

#### **148 Eligibility by reason of lay-off or short-time.**

- (1) Subject to the following provisions of this Part, for the purposes of this Part an employee is eligible for a redundancy payment by reason of being laid off or kept on short-time if—

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**Status:** Point in time view as at 22/08/1996.

**Changes to legislation:** Employment Rights Act 1996, Cross Heading: Lay-off and short-time is up to date with all changes known to be in force on or before 11 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)

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- (a) he gives notice in writing to his employer indicating (in whatever terms) his intention to claim a redundancy payment in respect of lay-off or short-time (referred to in this Part as “notice of intention to claim”), and
  - (b) before the service of the notice he has been laid off or kept on short-time in circumstances in which subsection (2) applies.
- (2) This subsection applies if the employee has been laid off or kept on short-time—
- (a) for four or more consecutive weeks of which the last before the service of the notice ended on, or not more than four weeks before, the date of service of the notice, or
  - (b) for a series of six or more weeks (of which not more than three were consecutive) within a period of thirteen weeks, where the last week of the series before the service of the notice ended on, or not more than four weeks before, the date of service of the notice.

**Status:**

Point in time view as at 22/08/1996.

**Changes to legislation:**

Employment Rights Act 1996, Cross Heading: Lay-off and short-time is up to date with all changes known to be in force on or before 11 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.