



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

##### RIGHT NOT TO BE UNFAIRLY DISMISSED

##### *Exclusion of right*

#### **108 Qualifying period of employment**

- (1) Section 94 does not apply to the dismissal of an employee unless he has been continuously employed for a period of not less than two years ending with the effective date of termination.
- (2) If an employee is dismissed by reason of any such requirement or recommendation as is referred to in section 64(2), subsection (1) has effect in relation to that dismissal as if for the words "two years" there were substituted the words "one month".
- (3) Subsection (1) does not apply if—
  - (a) section 84 or 96(1) applies,
  - (b) subsection (1) of section 99 (read with subsection (2) of that section) or subsection (3) of that section applies,
  - (c) subsection (1) of section 100 (read with subsections (2) and (3) of that section) applies,
  - (d) subsection (1) of section 101 (read with subsection (2) of that section) or subsection (3) of that section applies,
  - (e) section 102 applies,
  - (f) section 103 applies,

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**Status:** *This is the original version (as it was originally enacted).*

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- (g) subsection (1) of section 104 (read with subsections (2) and (3) of that section) applies, or
- (h) section 105 applies.