



# Employment Protection (Consolidation) Act 1978

## 1978 CHAPTER 44

### PART IV

#### TERMINATION OF EMPLOYMENT

#### **49 Rights of employer and employee to a minimum period of notice**

- (1) The notice required to be given by an employer to terminate the contract of employment of a person who has been continuously employed for four weeks or more—
  - (a) shall be not less than one week's notice if his period of continuous employment is less than two years;
  - (b) shall be not less than one week's notice for each year of continuous employment if his period of continuous employment is two years or more but less than twelve years; and
  - (c) shall be not less than twelve weeks' notice if his period of continuous employment is twelve years or more.
- (2) The notice required to be given by an employee who has been continuously employed for four weeks or more to terminate his contract of employment shall be not less than one week.
- (3) Any provision for shorter notice in any contract of employment with a person who has been continuously employed for four weeks or more shall have effect subject to the foregoing subsections, but this section shall not be taken to prevent either party from waiving his right to notice on any occasion, or from accepting a payment in lieu of notice.
- (4) Any contract of employment of a person who has been continuously employed for twelve weeks or more which is a contract for a term certain of four weeks or less shall have effect as if it were for an indefinite period and, accordingly, subsections (1) and (2) shall apply to the contract.

- (5) It is hereby declared that this section does not affect any right of either party to treat the contract as terminable without notice by reason of such conduct by the other party as would have enabled him so to treat it before the passing of this Act.
- (6) The definition of week given by section 153(1) does not apply for the purposes of this section.

## **50 Rights of employee in period of notice**

- (1) If an employer gives notice to terminate the contract of employment of a person who has been continuously employed for four weeks or more, the provisions of Schedule 3 shall have effect as respects the liability of the employer for the period of notice required by section 49(1).
- (2) If an employee who has been continuously employed for four weeks or more gives notice to terminate his contract of employment, the provisions of Schedule 3 shall have effect as respects the liability of the employer for the period of notice required by section 49(2).
- (3) This section shall not apply in relation to a notice given by the employer or the employee if the notice to be given by the employer to terminate the contract must be at least one week more than the notice required by section 49(1).

## **51 Measure of damages in proceedings against employers**

If an employer fails to give the notice required by section 49, the rights conferred by section 50 (with Schedule 3) shall be taken into account in assessing his liability for breach of the contract.

## **52 Statutory contracts**

Sections 49 and 50 shall apply in relation to a contract all or any of the terms of which are terms which take effect by virtue of any provision contained in or having effect under an Act of Parliament, whether public or local, as they apply in relation to any other contract; and the reference in this section to an Act of Parliament includes, subject to any express provision to the contrary, an Act passed after this Act.

## **53 Written statement of reasons for dismissal**

- (1) An employee shall be entitled—
  - (a) if he is given by his employer notice of termination of his contract of employment;
  - (b) if his contract of employment is terminated by his employer without notice; or
  - (c) if, where he is employed under a contract for a fixed term, that term expires without being renewed under the same contract,to be provided by his employer, on request, within fourteen days of that request, with a written statement giving particulars of the reasons for his dismissal.
- (2) An employee shall not be entitled to a written statement under subsection (1) unless on the effective date of termination he has been, or will have been, continuously employed for a period of twenty-six weeks ending with the last complete week before that date.

- (3) A written statement provided under this section shall be admissible in evidence in any proceedings.
- (4) A complaint may be presented to an industrial tribunal by an employee against his employer on the ground that the employer unreasonably refused to provide a written statement under subsection (1) or that the particulars of reasons given in purported compliance with that subsection are inadequate or untrue, and if the tribunal finds the complaint well-founded—
  - (a) it may make a declaration as to what it finds the employer's reasons were for dismissing the employee; and
  - (b) it shall make an award that the employer pay to the employee a sum equal to the amount of two weeks' pay.
- (5) An industrial tribunal shall not entertain a complaint under this section relating to the reasons for a dismissal unless it is presented to the tribunal at such a time that the tribunal would, in accordance with section 67(2) or (4), entertain a complaint of unfair dismissal in respect of that dismissal presented at the same time.