

Status: Point in time view as at 16/10/1992.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Cross Heading: Death during notice period. (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 II

UNFAIR DISMISSAL

Death during notice period

8 Where an employer has given notice to an employee to terminate his contract of employment and before that termination the employee or the employer dies, the unfair dismissal provisions shall apply as if the contract had been duly terminated by the employer by notice expiring on the date of the death.

[^{F19} Where—
(a) the employee's contract of employment has been terminated; and
(b) by virtue of subsection (5) or (6) of section 55 a date later than the effective date of termination as defined in subsection (4) of that section is to be treated as the effective date of termination for the purposes of certain of the unfair dismissal provisions; and
(c) before that later date the employer or the employee dies;
subsection (5) or, as the case may be, (6) shall have effect as if the notice referred to in that section as required by section 49 would have expired on the date of the death.]

Textual Amendments

- F1** Para. 9 substituted by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 3 para. 28** with saving in S.I. 1982/1656, **Sch. 2**

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