

Status: Point in time view as at 10/06/1994. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 2

SUPPLEMENTARY PROVISIONS RELATING TO MATERNITY

PART II

REDUNDANCY PAYMENTS

Prior redundancy

- 5 If, in proceedings arising out of a failure to permit an employee to return to work [^{F1}in accordance with section 42], the employer shows—
- (a) that the reason for the failure is that the employee is redundant; and
 - (b) that the employee was dismissed or, had she continued to be employed by him, would have been dismissed, by reason of redundancy [^{F2}on a day falling after the commencement of her maternity leave period and before the notified day of return],
- then, for the purposes of Part VI of this Act the employee—
- (i) shall not be treated as having been dismissed with effect from the notified day of return; but
 - (ii) shall, if she would not otherwise be so treated, be treated as having been continuously employed until that earlier day and as having been dismissed by reason of redundancy with effect from that day.

Textual Amendments

- F1** Words in Sch. 2 para. 5 inserted (10.6.1994) by 1993 c. 19, s. 49(2), Sch. 8 para. 26(c)(i); S.I. 1994/1365, art. 2, Sch.
- F2** Words in Sch. 2 para. 5 substituted (10.6.1994) by 1993 c. 19, s. 49(2), Sch. 8 para. 26(c)(ii); S.I. 1994/1365, art. 2, Sch.

Status:

Point in time view as at 10/06/1994. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Paragraph 5.