



# 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 [<sup>F1</sup>one month] 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 [<sup>F1</sup>one month] 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 [<sup>F1</sup>one month] 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 [<sup>F2</sup>three months] or more which is a contract for a term certain of [<sup>F2</sup>one month] or less shall have effect as if it were for an indefinite period and, accordingly, subsections (1) and (2) shall apply to the contract.

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*Status: Point in time view as at 06/02/1995. This version of this provision has been superseded.*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, Section 49. (See end of Document for details)*

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[<sup>F3</sup>(4A) Subsections (1) and (2) do not apply to a contract made in contemplation of the performance of a specific task which is not expected to last for more than three months unless the employee has been continuously employed for a period of more than three months.]

(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.

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#### **Textual Amendments**

**F1** Words substituted with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 3(1)**

**F2** Words substituted with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 3(2)**

**F3** [S. 49\(4A\)](#) inserted with saving by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), s. 20, **Sch. 2 para. 3(3)**

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#### **Modifications etc. (not altering text)**

**C1** [Ss. 49–51](#) excluded by [Dock Work Act 1989 \(c. 13, SIF 43:5\)](#), s. 7(5), **Sch. 2 para. 6**

**C2** [S. 49\(1\)-\(4A\)](#) modified (1.4.1996) by [S.I. 1996/1023](#), **arts. 3, 4**

**Status:**

Point in time view as at 06/02/1995. 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, Section 49.