



# Employment Protection (Consolidation) Act 1978

## 1978 CHAPTER 44

### PART V

#### UNFAIR DISMISSAL

##### *Exclusion of section 54*

#### **64 Qualifying period and upper age limit.**

- (1) Subject to subsection (3), section 54 does not apply to the dismissal of an employee from any employment if the employee—
  - (a) was not continuously employed for a period of not less than [<sup>F1</sup>two years] ending with the effective date of termination, or
  - [<sup>F2</sup>(b) attained the following age on or before the effective date of termination, that is to say—
    - (i) if in the undertaking in which he was employed there was a normal retiring age for an employee holding the position which he held and the age was the same whether the employee holding that position was a man or a woman, that normal retiring age; and
    - (ii) in any other case, the age of sixty-five.]
- (2) If an employee is dismissed by reason of any such requirement or recommendation as is referred to in section 19(1), subsection (1)(a) shall have effect in relation to that dismissal as if for the words [<sup>F3</sup>two years] there were substituted the words [<sup>F4</sup>one month].
- (3) Subsection (1) shall not apply to the dismissal of an employee if it is shown that the reason (or, if more than one, the principal reason) for the dismissal was [<sup>F5</sup>one of those specified in section 58(1)].

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*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 64. (See end of Document for details)*

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### Textual Amendments

- F1** Words substituted (with saving) by virtue of S.I. 1985/782, **arts. 3(1), 5**
- F2** S. 64(1)(b) substituted by Sex Discrimination Act 1986 (c. 59, SIF 106:1), **s. 3(1)**
- F3** Words substituted (with saving) by virtue of S.I. 1985/782, **arts. 4, 5**
- F4** Words substituted with saving by Employment Act 1982 (c. 46, SIF 43:5), s. 20, **Sch. 2 para. 5(1)**
- F5** Words substituted by Employment Act 1982 (c. 46, SIF 43:5), **Sch. 3 para. 19** with saving in S.I. 1982/1656, **Sch. 2**

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.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 64.