



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XI

#### REDUNDANCY PAYMENTS ETC.

### CHAPTER II

#### RIGHT ON DISMISSAL BY REASON OF REDUNDANCY

#### *Supplementary*

#### **145 The relevant date.**

- (1) For the purposes of the provisions of this Act relating to redundancy payments “the relevant date” in relation to the dismissal of an employee has the meaning given by this section.
- (2) Subject to the following provisions of this section, “the relevant date”—
  - (a) in relation to an employee whose contract of employment is terminated by notice, whether given by his employer or by the employee, means the date on which the notice expires,
  - (b) in relation to an employee whose contract of employment is terminated without notice, means the date on which the termination takes effect, and
  - (c) in relation to an employee who is employed under a contract for a fixed term which expires without being renewed under the same contract, means the date on which the term expires.
- (3) Where the employee is taken to be dismissed by virtue of section 136(3) the “relevant date” means the date on which the employee’s notice to terminate his contract of employment expires.

*Status: Point in time view as at 28/07/1999.*

*Changes to legislation: Employment Rights Act 1996, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 29 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Where the employee is regarded by virtue of section 138(4) as having been dismissed on the date on which his employment under an earlier contract ended, “the relevant date” means—
- (a) for the purposes of section 164(1), the date which is the relevant date as defined by subsection (2) in relation to the renewed or new contract or, where there has been more than one trial period, the last such contract, and
  - (b) for the purposes of any other provision, the date which is the relevant date as defined by subsection (2) in relation to the previous contract or, where there has been more than one such trial period, the original contract.
- (5) Where—
- (a) the contract of employment is terminated by the employer, and
  - (b) the notice required by section 86 to be given by an employer would, if duly given on the material date, expire on a date later than the relevant date (as defined by the previous provisions of this section),
- for the purposes of sections 155, 162(1) and 227(3) the later date is the relevant date.
- (6) In subsection (5)(b) “the material date” means—
- (a) the date when notice of termination was given by the employer, or
  - (b) where no notice was given, the date when the contract of employment was terminated by the employer.
- (7) Where an employee is taken to be dismissed for the purposes of this Part by virtue of section 137(1), references in this Part to the relevant date are (unless the context otherwise requires) to the notified date of return.

#### **146 Provisions supplementing sections 138 and 141.**

- (1) In sections 138 and 141—
- (a) references to re-engagement are to re-engagement by the employer or an associated employer, and
  - (b) references to an offer are to an offer made by the employer or an associated employer.
- (2) For the purposes of the application of section 138(1) or 141(1) to a contract under which the employment ends on a Friday, Saturday or Sunday—
- (a) the renewal or re-engagement shall be treated as taking effect immediately on the ending of the employment under the previous contract if it takes effect on or before the next Monday after that Friday, Saturday or Sunday, and
  - (b) the interval of four weeks to which those provisions refer shall be calculated as if the employment had ended on that next Monday.
- (3) Where section 138 or 141 applies in a case within section 137(1)—
- (a) references to a renewal or re-engagement taking effect immediately on, or after an interval of not more than four weeks after, the end of the employment are to a renewal or re-engagement taking effect on, or after an interval of not more than four weeks after, the notified day of return, and
  - (b) references to provisions of the previous contract are to the provisions of the contract under which the employee worked immediately before the beginning of her maternity leave period.

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

**C1** S. 146 modified (1.9.1999) by S.I. 1999/2277, art. 3, **Sch. 2 Pt. I para. 1**

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