



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XI

#### REDUNDANCY PAYMENTS ETC.

### CHAPTER VII

#### SUPPLEMENTARY

#### *Other supplementary provisions*

#### **178 Old statutory compensation schemes.**

- (1) The Secretary of State may make provision by regulations for securing that where—
  - (a) (apart from this section) a person is entitled to compensation under a statutory provision to which this section applies, and
  - (b) the circumstances are such that he is also entitled to a redundancy payment, the amount of the redundancy payment shall be set off against the compensation to which he would be entitled apart from this section; and any statutory provision to which any such regulations apply shall have effect subject to the regulations.
- (2) This section applies to any statutory provision—
  - (a) which was in force immediately before 6th December 1965, and
  - (b) under which the holders of such situations, places or employments as are specified in that provision are, or may become, entitled to compensation for loss of employment, or for loss or diminution of emoluments or of pension rights, in consequence of the operation of any other statutory provision referred to in that provision.

*Status: Point in time view as at 01/07/2022.*

*Changes to legislation: Employment Rights Act 1996, Cross Heading: Other supplementary provisions is up to date with all changes known to be in force on or before 13 June 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)*

## 179 Notices.

- (1) Any notice which under this Part is required or authorised to be given by an employer to an employee may be given by being delivered to the employee, or left for him at his usual or last-known place of residence, or sent by post addressed to him at that place.
- (2) Any notice which under this Part is required or authorised to be given by an employee to an employer may be given either by the employee himself or by a person authorised by him to act on his behalf, and (whether given by or on behalf of the employee)—
  - (a) may be given by being delivered to the employer, or sent by post addressed to him at the place where the employee is or was employed by him, or
  - (b) if arrangements have been made by the employer, may be given by being delivered to a person designated by the employer in pursuance of the arrangements, left for such a person at a place so designated or sent by post to such a person at an address so designated.
- (3) In this section any reference to the delivery of a notice includes, in relation to a notice which is not required by this Part to be in writing, a reference to the oral communication of the notice.
- (4) Any notice which, in accordance with any provision of this section, is left for a person at a place referred to in that provision shall, unless the contrary is proved, be presumed to have been received by him on the day on which it was left there.
- (5) Nothing in subsection (1) or (2) affects the capacity of an employer to act by a servant or agent for the purposes of any provision of this Part (including either of those subsections).
- (6) In relation to an employee to whom section 173 applies, this section has effect as if—
  - (a) any reference in subsection (1) or (2) to a notice required or authorised to be given by or to an employer included a reference to a notice which, by virtue of that section, is required or authorised to be given by or to the person by whom the remuneration is payable,
  - (b) in relation to a notice required or authorised to be given to that person, any reference to the employer in paragraph (a) or (b) of subsection (2) were a reference to that person, and
  - (c) the reference to an employer in subsection (5) included a reference to that person.

## 180 Offences.

- (1) Where an offence under this Part committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of, or
  - (b) to be attributable to any neglect on the part of,
 any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

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## **181 Interpretation.**

(1) In this Part—

- “counter-notice” shall be construed in accordance with section 149(a),
- “dismissal” and “dismissed” shall be construed in accordance with sections 136 to 138,
- “employer’s payment” has the meaning given by section 166,
- “notice of intention to claim” shall be construed in accordance with section 148(1),
- “obligatory period of notice” has the meaning given by section 136(4), and
- “trial period” shall be construed in accordance with section 138(3).

(2) In this Part—

- (a) references to an employee being laid off or being eligible for a redundancy payment by reason of being laid off, and
  - (b) references to an employee being kept on short-time or being eligible for a redundancy payment by reason of being kept on short-time,
- shall be construed in accordance with sections 147 and 148.

**Status:**

Point in time view as at 01/07/2022.

**Changes to legislation:**

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