



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER II

OTHER MISCELLANEOUS MATTERS

General provisions about death of employer or employee

206 Institution or continuance of tribunal proceedings.

- (1) Where an employer has died, any tribunal proceedings arising under any of the provisions of this Act to which this section applies may be defended by a personal representative of the deceased employer.
- (2) This section and section 207 apply to—
 - (a) Part I, so far as it relates to itemised pay statements,
 - (b) Part III,
 - (c) Part V,
 - (d) Part VI, apart from sections 58 to 60,
 - (e) Parts VII and VIII,
 - (f) in Part IX, sections 92 and 93, and
 - (g) Parts X to XII.
- (3) Where an employee has died, any tribunal proceedings arising under any of the provisions of this Act to which this section applies may be instituted or continued by a personal representative of the deceased employee.
- (4) If there is no personal representative of a deceased employee, any tribunal proceedings arising under any of the provisions of this Act to which this section applies may

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be instituted or continued on behalf of the estate of the deceased employee by any appropriate person appointed by the [^{F1}employment tribunal].

- (5) In subsection (4) “appropriate person” means a person who is—
- (a) authorised by the employee before his death to act in connection with the proceedings, or
 - (b) the widow or widower, [^{F2}surviving civil partner,] child, parent or brother or sister of the deceased employee;
- and in Part XI and the following provisions of this section and section 207 references to a personal representative include a person appointed under subsection (4).
- (6) In a case where proceedings are instituted or continued by virtue of subsection (4), any award made by the [^{F1}employment tribunal] shall be—
- (a) made in such terms, and
 - (b) enforceable in such manner,
- as the Secretary of State may by regulations provide.
- (7) Any reference in the provisions of this Act to which this section applies to the doing of anything by or in relation to an employer or employee includes a reference to the doing of the thing by or in relation to a personal representative of the deceased employer or employee.
- (8) Any reference in the provisions of this Act to which this section applies to a thing required or authorised to be done by or in relation to an employer or employee includes a reference to a thing required or authorised to be done by or in relation to a personal representative of the deceased employer or employee.
- (9) Subsections (7) and (8) do not prevent a reference to a successor of an employer including a personal representative of a deceased employer.

Textual Amendments

- F1** Words in s. 206(4)(6) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F2** Words in s. 206(5)(b) inserted (5.12.2005) by The Civil Partnership Act 2004 (Overseas Relationships and Consequential, etc. Amendments) Order 2005 (S.I. 2005/3129), arts. 1, 4(4), **Sch. 4 para. 11**

207 Rights and liabilities accruing after death.

- (1) Any right arising under any of the provisions of this Act to which this section applies which accrues after the death of an employee devolves as if it had accrued before his death.
- (2) Where an [^{F3}employment tribunal] determines under any provision of Part XI that an employer is liable to pay to a personal representative of a deceased employee—
 - (a) the whole of a redundancy payment to which he would have been entitled but for some provision of Part XI or section 206, or
 - (b) such part of such a redundancy payment as the tribunal thinks fit,
 the reference in subsection (1) to a right includes any right to receive it.
- (3) Where—

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- (a) by virtue of any of the provisions to which this section applies a personal representative is liable to pay any amount, and
- (b) the liability has not accrued before the death of the employer,
- it shall be treated as a liability of the deceased employer which had accrued immediately before his death.

Textual Amendments

- F3** Words in s. 207(2) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

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