



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

#### RIGHT NOT TO BE UNFAIRLY DISMISSED

#### *Fairness*

VALID FROM 05/10/1999

#### **[<sup>F1</sup>104B Tax credit.**

- (1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that—
  - (a) any action was taken, or was proposed to be taken, by or on behalf of the employee with a view to enforcing, or otherwise securing the benefit of, a right conferred on the employee by regulations under section 6(2)(a) or (c) of the Tax Credits Act 1999;
  - (b) a penalty was imposed on the employer, or proceedings for a penalty were brought against him, under section 9 of that Act, as a result of action taken by or on behalf of the employee for the purpose of enforcing, or otherwise securing the benefit of, such a right; or
  - (c) the employee is entitled, or will or may be entitled, to working families' tax credit or disabled person's tax credit.
- (2) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above—
  - (a) whether or not the employee has the right, or

---

*Status: Point in time view as at 22/08/1996. This version of this provision is not valid for this point in time.*

*Changes to legislation: Employment Rights Act 1996, Section 104B 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)*

---

(b) whether or not the right has been infringed,  
but, for that subsection to apply, the claim to the right and, if applicable, the claim  
that it has been infringed must be made in good faith.]

---

**Textual Amendments**

**F1** S. 104B inserted (5.10.1999) by 1999 c. 10, ss. 7, 20(2), **Sch. 3 para. 3(1)**

**Status:**

Point in time view as at 22/08/1996. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Employment Rights Act 1996, Section 104B 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.