



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

Other dismissals

[^{F1}104D Pension enrolment

- (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, with a view to enforcing in favour of the employee a requirement to which this section applies;
 - (b) the employer was prosecuted for an offence under section 45 of the Pensions Act 2008 as a result of action taken for the purpose of enforcing in favour of the employee a requirement to which this section applies; or
 - (c) any provision of Chapter 1 of that Part of that Act applies to the employee, or will or might apply.
- (2) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above—
 - (a) whether or not the requirement applies in favour of the employee, or
 - (b) whether or not the requirement has been contravened,but, for that subsection to apply, the claim that the requirement applies and, if applicable, the claim that it has been contravened must be made in good faith.
- (3) This section applies to any requirement imposed on the employer by or under any provision of Chapter 1 of Part 1 of the Pensions Act 2008.

Status: Point in time view as at 01/04/2018.

Changes to legislation: Employment Rights Act 1996, Section 104D is up to date with all changes known to be in force on or before 30 July 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) In this section references to enforcing a requirement include references to securing its benefit in any way.]

Textual Amendments

- F1** S. 105(7JA) inserted (30.6.2012) by [Pensions Act 2008 \(c. 30\)](#), **ss. 57(4)**, 149(1); S.I. 2012/1682, art. 2, Sch. 2

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