



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

#### RIGHT NOT TO BE UNFAIRLY DISMISSED

#### *Other dismissals*

VALID FROM 02/03/2010

#### **[<sup>F1</sup>104F Blacklists**

- (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 relates to a prohibited list, and either—
  - (a) the employer contravenes regulation 3 of the 2010 Regulations in relation to that prohibited list, or
  - (b) the employer—
    - (i) relies on information supplied by a person who contravenes that regulation in relation to that list, and
    - (ii) knows or ought reasonably to know that the information relied on is supplied in contravention of that regulation.
- (2) If there are facts from which the tribunal could conclude, in the absence of any other explanation, that the employer—
  - (a) contravened regulation 3 of the 2010 Regulations, or
  - (b) relied on information supplied in contravention of that regulation,

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**Status:** Point in time view as at 24/11/2005. This version of this provision is not valid for this point in time.

**Changes to legislation:** Employment Rights Act 1996, Section 104F is up to date with all changes known to be in force on or before 02 September 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)

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the tribunal must find that such a contravention or reliance on information occurred, unless the employer shows that it did not.

(3) In this section—

“the 2010 Regulations” means the Employment Relations Act 1999 (Blacklists) Regulations 2010, and

“prohibited list” has the meaning given in those Regulations (see regulation 3(2)).]

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#### Textual Amendments

**F1** S. 104F inserted (2.3.2010) by [The Employment Relations Act 1999 \(Blacklists\) Regulations 2010 \(S.I. 2010/493\)](#), [reg. 12\(2\)](#)

**Status:**

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