



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

Other dismissals

^{x1}106 Replacements.

- (1) Where this section applies to an employee he shall be regarded for the purposes of section 98(1)(b) as having been dismissed for a substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held.
- (2) This section applies to an employee where—
 - (a) on engaging him the employer informs him in writing that his employment will be terminated on the resumption of work by another employee who is, or will be, absent wholly or partly because of pregnancy or childbirth, [^{F1}or on adoption leave] and
 - (b) the employer dismisses him in order to make it possible to give work to the other employee.
- (3) This section also applies to an employee where—
 - (a) on engaging him the employer informs him in writing that his employment will be terminated on the end of a suspension of another employee from work on medical grounds or maternity grounds (within the meaning of Part VII), and
 - (b) the employer dismisses him in order to make it possible to allow the resumption of work by the other employee.

Status: Point in time view as at 06/04/2007. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 106 is up to date with all changes known to be in force on or before 19 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)

(4) Subsection (1) does not affect the operation of section 98(4) in a case to which this section applies.

Editorial Information

X1 The insertion of the new heading "Other dismissals" in Pt. X Ch. I on 1.10.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

F1 Words in s. 106(2)(a) inserted (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), s. 53, [Sch. 7 para. 35](#); [S.I. 2002/2866](#), [art. 2\(2\)](#), Sch. 1 Pt. 2

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