



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

Exclusion of right

108 Qualifying period of employment.

- (1) Section 94 does not apply to the dismissal of an employee unless he has been continuously employed for a period of not less than [^{F1}one year] ending with the effective date of termination.
- (2) If an employee is dismissed by reason of any such requirement or recommendation as is referred to in section 64(2), subsection (1) has effect in relation to that dismissal as if for the words [^{F2}“one year”] there were substituted the words “one month”.
- (3) Subsection (1) does not apply if—
 - ^{F3}(a)
 - (b) subsection (1) of section 99 (read with subsection (2) of that section) or subsection (3) of that section applies,
 - (c) subsection (1) of section 100 (read with subsections (2) and (3) of that section) applies,
 - (d) subsection (1) of section 101 (read with subsection (2) of that section) or subsection (3) of that section applies,
 - [^{F4}(dd) section 101A applies,]
 - (e) section 102 applies,
 - (f) section 103 applies,

Status: Point in time view as at 27/03/2002. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 108 is up to date with all changes known to be in force on or before 29 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)

- [^{F5}(ff) section 103A applies,]
- (g) subsection (1) of section 104 (read with subsections (2) and (3) of that section) applies, ^{F6} . . .
- [^{F7}(gg) subsection (1) of section 104A (read with subsection (2) of that section) applies, ^{F8} . . .]
- [^{F9}(gh) subsection (1) of section 104B (read with subsection (2) of that section) applies, ^{F10} . . .]
- (h) section 105 applies [^{F11}^{F12} . . .
- (hh) paragraph (3) or (6) of regulation 28 of the Transnational Information and Consultation of Employees Regulations 1999 (read with paragraphs (4) and (7) of that regulation) applies.] [^{F13} or
- (i) paragraph (1) of regulation 7 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 applies.]

Textual Amendments

- F1** Words in s. 108(1) substituted (1.6.1999) by S.I. 1999/1436, **art. 3**
- F2** Words in s. 108(2) substituted (1.6.1999) by S.I. 1999/1436, **art. 4**
- F3** S. 108(3)(a) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 18, **Sch. 9(2)**; S.I. 1999/2830, **art. 2(2)(3)**, Sch. 1 Pt. II, **Sch. 2 Pt. II** (with Sch. 3 paras. 10, 11)
- F4** S. 108(3)(dd) inserted (1.10.1998) by S.I. 1998/1833, **reg. 32(4)**
- F5** S. 108(3)(ff) inserted (2.7.1999) by 1998 c. 23, s. 7(1); S.I. 1999/1547, **art. 2**
- F6** Word in s. 108(3)(g) repealed (1.11.1998) by 1998 c. 39, ss. 25(3), 53, **Sch. 3**; S.I. 1998/2574, **art. 2(1)**, **Sch. 1** (with **art. 3**)
- F7** S. 108(3)(gg) inserted (1.11.1998) by 1998 c. 39, s. 25(3); S.I. 1998/2574, **art. 2(1)**, **Sch. 1** (with **art. 3**)
- F8** Word in s. 108(3)(gg) repealed (5.10.1999) by 1999 c. 10, ss. 7, 19(4), 20(2), Sch. 3 para. 3(3), **Sch. 6**
- F9** S. 108(3)(gh) inserted (5.10.1999) by 1999 c. 10, ss. 7, 20(2), Sch. 3 para. 3(3) (which amending Act was repealed (in part on 27.8.2002 and 4.12.2002, otherwise prosp.) by Tax Credits Act 2002 (c. 21), s. 60, **Sch. 6**; S.I. 2002/1727, **art. 2**) and insertion continued (1.9.2002 for certain purposes, otherwise prosp.) by Tax Credits Act 2002 (c. 21), s. 27, **Sch. 1 para. 3(4)**; S.I. 2002/1727, **art. 2**
- F10** Word in s. 108(3)(gh) omitted (15.1.2000) by virtue of S.I. 1999/3323, **reg. 29(2)**
- F11** S. 108(hh) and preceding word inserted (15.1.2000) by S.I. 1999/3323, **reg. 29(2)**
- F12** Word at the end of s. 108(3)(h) omitted (1.7.2000) by virtue of S.I. 2000/1551, **reg. 10**, **Sch. para. 2(2)**
- F13** S. 108(3)(i) and word "or" preceding it inserted (1.7.2000) by S.I. 2000/1551, **reg. 10**, **Sch. para. 2(2)**

Modifications etc. (not altering text)

- C1** S. 108 excluded (4.9.2000) by 1999 c. 26, s. 12(4), (with ss. 14, 15); S.I. 2000/2242, **art. 2**
 S. 108 excluded (6.6.2000) by 1992 c. 52, s. 70A, **Sch. A1 para. 164** (as inserted (6.6.2000) by 1999 c. 26, ss. 1, 45(1), **Sch. 1**; S.I. 2000/1338, **art. 2(a)**)

Status:

Point in time view as at 27/03/2002. This version of this provision has been superseded.

Changes to legislation:

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