



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER II

##### REMEDIES FOR UNFAIR DISMISSAL

##### *Compensation*

#### **119 Basic award.**

- (1) Subject to the provisions of this section, sections 120 to 122 and section 126, the amount of the basic award shall be calculated by—
  - (a) determining the period, ending with the effective date of termination, during which the employee has been continuously employed,
  - (b) reckoning backwards from the end of that period the number of years of employment falling within that period, and
  - (c) allowing the appropriate amount for each of those years of employment.
- (2) In subsection (1)(c) “the appropriate amount” means—
  - (a) one and a half weeks’ pay for a year of employment in which the employee was not below the age of forty-one,
  - (b) one week’s pay for a year of employment (not within paragraph (a)) in which he was not below the age of twenty-two, and
  - (c) half a week’s pay for a year of employment not within paragraph (a) or (b).
- (3) Where twenty years of employment have been reckoned under subsection (1), no account shall be taken under that subsection of any year of employment earlier than those twenty years.

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*Status: Point in time view as at 24/04/2000. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 119 is up to date with all changes known to be in force on or before 10 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)*

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- (4) Where the effective date of termination is after the sixty-fourth anniversary of the day of the employee's birth, the amount arrived at under subsections (1) to (3) shall be reduced by the appropriate fraction.
- (5) In subsection (4) "the appropriate fraction" means the fraction of which—
- (a) the numerator is the number of whole months reckoned from the sixty-fourth anniversary of the day of the employee's birth in the period beginning with that anniversary and ending with the effective date of termination, and
  - (b) the denominator is twelve.

<sup>F1</sup>(6) .....

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**Textual Amendments**

**F1** S. 119(6) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 23, **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)

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**Modifications etc. (not altering text)**

**C1** S. 119 applied (1.11.1998) by 1998 c. 39, s. 24(4)(a); S.I. 1998/2574, art. 2(1), **Sch. 1**  
 S. 117-127A applied (with modifications) (2.7.1999) by S.I. 1999/1548, **reg. 3**  
 S. 119 applied (6.6.2000) by 1992 c. 52, s. 70A, **Sch. A1 para. 160(2)** (as inserted (6.6.2000) by 1999 c. 26, s. 1, **Sch. 1**; S.I. 2000/1338, **art. 2** with transitional provisions in art. 3)

**Status:**

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**Changes to legislation:**

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