



Employment Rights Act 1996

1996 CHAPTER 18

PART XI

REDUNDANCY PAYMENTS ETC.

CHAPTER IV

GENERAL EXCLUSIONS FROM RIGHT

158 Pension rights.

- (1) The Secretary of State shall by regulations make provision for excluding the right to a redundancy payment, or reducing the amount of any redundancy payment, in such cases to which subsection (2) applies as are prescribed by the regulations.
- (2) This subsection applies to cases in which an employee has (whether by virtue of any statutory provision or otherwise) a right or claim (whether or not legally enforceable) to a periodical payment or lump sum by way of pension, gratuity or superannuation allowance which—
 - (a) is to be paid by reference to his employment by a particular employer, and
 - (b) is to be paid, or to begin to be paid, at the time when he leaves the employment or within such period after he leaves the employment as may be prescribed by the regulations.
- (3) The regulations shall secure that the right to a redundancy payment shall not be excluded, and that the amount of a redundancy payment shall not be reduced, by reason of any right or claim to a periodical payment or lump sum, in so far as the payment or lump sum—
 - (a) represents compensation for loss of employment or for loss or diminution of emoluments or of pension rights, and
 - (b) is payable under a statutory provision (whether passed or made before or after the passing of this Act).

Status: Point in time view as at 24/04/2000. This version of this provision has been superseded.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 158 is up to date with all changes known to be in force on or before 01 August 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 relation to any case where (in accordance with any provision of this Part) an [^{F1}employment tribunal] determines that an employer is liable to pay part (but not the whole) of a redundancy payment the references in this section to a redundancy payment, or to the amount of a redundancy payment, are to the part of the redundancy payment, or to the amount of the part.

Textual Amendments

- F1** Words in s. 158(4) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

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Point in time view as at 24/04/2000. This version of this provision has been superseded.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 158 is up to date with all changes known to be in force on or before 01 August 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.