



Employment Rights Act 1996

1996 CHAPTER 18

PART XI

REDUNDANCY PAYMENTS ETC.

CHAPTER V

OTHER PROVISIONS ABOUT REDUNDANCY PAYMENTS

164 Claims for redundancy payment.

- (1) An employee does not have any right to a redundancy payment unless, before the end of the period of six months beginning with the relevant date—
 - (a) the payment has been agreed and paid,
 - (b) the employee has made a claim for the payment by notice in writing given to the employer,
 - (c) a question as to the employee's right to, or the amount of, the payment has been referred to an [^{F1}employment tribunal], or
 - (d) a complaint relating to his dismissal has been presented by the employee under section 111.
- (2) An employee is not deprived of his right to a redundancy payment by subsection (1) if, during the period of six months immediately following the period mentioned in that subsection, the employee—
 - (a) makes a claim for the payment by notice in writing given to the employer,
 - (b) refers to an [^{F1}employment tribunal] a question as to his right to, or the amount of, the payment, or
 - (c) presents a complaint relating to his dismissal under section 111,and it appears to the tribunal to be just and equitable that the employee should receive a redundancy payment.

Status: Point in time view as at 06/04/2017. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 164 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)

(3) In determining under subsection (2) whether it is just and equitable that an employee should receive a redundancy payment an [^{F1}employment tribunal] shall have regard to—

- (a) the reason shown by the employee for his failure to take any such step as is referred to in subsection (2) within the period mentioned in subsection (1), and
- (b) all the other relevant circumstances.

[^{F2}(4) Subsections (1)(c) and (2) ^{F3} are subject to section 207A (extension because of mediation in certain European cross-border disputes).]

[^{F4}(5) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsections (1)(c) and (2).]

Textual Amendments

- F1** Words in s. 164(1)(c)(2)(b)(3) 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
- F2** S. 164(4) inserted (20.5.2011 with application as mentioned in regs. 3 and 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), regs. 2, 47
- F3** Section 164(1)(c) and (2) are subject to Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a).
- F4** S. 164(5) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 2 para. 34; S.I. 2014/253, art. 3(g)

Status:

Point in time view as at 06/04/2017. This version of this provision has been superseded.

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