



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XI

#### REDUNDANCY PAYMENTS ETC.

### CHAPTER VI

#### PAYMENTS BY SECRETARY OF STATE

#### **167 Making of payments.**

(1) Where, on an application under section 166 by an employee in relation to an employer's payment, the Secretary of State is satisfied that the requirements specified in subsection (2) are met, he shall pay to the employee out of the National Insurance Fund a sum calculated in accordance with section 168 but reduced by so much (if any) of the employer's payment as has already been paid.

(2) The requirements referred to in subsection (1) are—  
(a) that the employee is entitled to the employer's payment, and  
(b) that one of the conditions specified in paragraphs (a) and (b) of subsection (1) of section 166 is fulfilled,

and, in a case where the employer's payment is a payment such as is mentioned in subsection (2)(b) of that section, that the employee's right to the payment arises by virtue of a period of continuous employment (computed in accordance with the provisions of the agreement in question) which is not less than two years.

(3) Where under this section the Secretary of State pays a sum to an employee in respect of an employer's payment—

(a) all rights and remedies of the employee with respect to the employer's payment, or (if the Secretary of State has paid only part of it) all the rights and remedies of the employee with respect to that part of the employer's payment, are transferred to and vest in the Secretary of State, and

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**Status:** Point in time view as at 24/04/2000.

**Changes to legislation:** Employment Rights Act 1996, Section 167 is up to date with all changes known to be in force on or before 27 May 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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- (b) any decision of an [<sup>F1</sup>employment tribunal] requiring the employer's payment to be paid to the employee has effect as if it required that payment, or that part of it which the Secretary of State has paid, to be paid to the Secretary of State.
- (4) Any money recovered by the Secretary of State by virtue of subsection (3) shall be paid into the National Insurance Fund.

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**Textual Amendments**

**F1** Words in s. 167(3)(b) 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:**

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