



Employment Rights Act 1996

1996 CHAPTER 18

PART XI

REDUNDANCY PAYMENTS ETC.

CHAPTER VII

SUPPLEMENTARY

Death of employer or employee

175 Death of employer: lay-off and short-time.

- (1) Where an employee is laid off or kept on short-time and his employer dies, this Part has effect in accordance with the following provisions of this section.
- (2) Where the employee—
 - (a) has been laid off or kept on short-time for one or more weeks before the death of the employer,
 - (b) has not given the deceased employer notice of intention to claim before the employer's death,
 - (c) after the employer's death has his contract of employment renewed, or is re-engaged under a new contract, by a personal representative of the deceased employer, and
 - (d) after renewal or re-engagement is laid off or kept on short-time for one or more weeks by the personal representative,

the week in which the employer died and the first week of the employee's employment by the personal representative shall be treated for the purposes of Chapter III as consecutive weeks (and references to four weeks or thirteen weeks shall be construed accordingly).

- (3) The following provisions of this section apply where—

Status: Point in time view as at 01/04/2013.

Changes to legislation: Employment Rights Act 1996, Section 175 is up to date with all changes known to be in force on or before 26 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)

- (a) the employee has given the deceased employer notice of intention to claim before the employer's death,
 - (b) the employer's death occurred before the end of the period of four weeks after the service of the notice, and
 - (c) the employee has not terminated his contract of employment by notice expiring before the employer's death.
- (4) If the contract of employment is not renewed, and the employee is not re-engaged under a new contract, by a personal representative of the deceased employer before the end of the period of four weeks after the service of the notice of intention to claim—
- (a) sections 149 and 152 do not apply, but
 - (b) (subject to that) Chapter III applies as if the employer had not died and the employee had terminated the contract of employment by a week's notice, or by the minimum notice which he is required to give to terminate the contract (if longer than a week), expiring at the end of that period.
- (5) If—
- (a) the contract of employment is renewed, or the employee is re-engaged under a new contract, by a personal representative of the deceased employer before the end of the period of four weeks after the service of the notice of intention to claim, and
 - (b) the employee was laid off or kept on short-time by the deceased employer for one or more of those weeks and is laid off or kept on short-time by the personal representative for the week, or for the next two or more weeks, following the renewal or re-engagement,
- subsection (6) has effect.
- (6) Where this subsection has effect Chapter III applies as if—
- (a) all the weeks mentioned in subsection (5) were consecutive weeks during which the employee was employed (but laid off or kept on short-time) by the same employer, and
 - (b) the periods specified by section 150(3)(a) and (b) as the relevant period were extended by any week or weeks any part of which was after the death of the employer and before the date on which the renewal or re-engagement took effect.

Status:

Point in time view as at 01/04/2013.

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