



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART IVA

#### PROTECTED DISCLOSURES

#### [<sup>F1F2</sup>43H Disclosure of exceptionally serious failure.

- (1) A qualifying disclosure is made in accordance with this section if—
- the worker makes the disclosure in good faith,
  - he reasonably believes that the information disclosed, and any allegation contained in it, are substantially true,
  - he does not make the disclosure for purposes of personal gain,
  - the relevant failure is of an exceptionally serious nature, and
  - in all the circumstances of the case, it is reasonable for him to make the disclosure.
- (2) In determining for the purposes of subsection (1)(e) whether it is reasonable for the worker to make the disclosure, regard shall be had, in particular, to the identity of the person to whom the disclosure is made.]

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#### Textual Amendments

- F1** Pt. IVA (ss. 43A-43L) inserted (2.7.1998 for specified purposes and otherwise 2.7.1999) by [1998 c. 23, s. 1](#); [S.I. 1999/1547, art. 2](#)
- F2** Pt. IVA (ss. 43A-43L) inserted (2.7.1998 for specified purposes and otherwise 2.7.1999) by [1998 c. 23, s. 1](#); [S.I. 1999/1547, art. 2](#)

**Status:**

Point in time view as at 06/04/2009. This version of this provision has been superseded.

**Changes to legislation:**

Employment Rights Act 1996, Section 43H is up to date with all changes known to be in force on or before 13 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.