



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

Other dismissals

[^{F1}98B Jury service

- (1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee—
 - (a) has been summoned under the Juries Act 1974, the Coroners Act 1988, the Court of Session Act 1988 or the Criminal Procedure (Scotland) Act 1995 to attend for service as a juror, or
 - (b) has been absent from work because he attended at any place in pursuance of being so summoned.
- (2) Subsection (1) does not apply in relation to an employee who is dismissed if the employer shows—
 - (a) that the circumstances were such that the employee's absence in pursuance of being so summoned was likely to cause substantial injury to the employer's undertaking,
 - (b) that the employer brought those circumstances to the attention of the employee,
 - (c) that the employee refused or failed to apply to the appropriate officer for excusal from or a deferral of the obligation to attend in pursuance of being so summoned, and

Status: Point in time view as at 01/02/2011. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 98B is up to date with all changes known to be in force on or before 11 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)

- (d) that the refusal or failure was not reasonable.
- (3) In paragraph (c) of subsection (2) “the appropriate officer” means—
- (a) in the case of a person who has been summoned under the Juries Act 1974, the officer designated for the purposes of section 8, 9 or, as the case may be, 9A of that Act;
 - (b) in the case of a person who has been summoned under the Coroners Act 1988, a person who is the appropriate officer for the purposes of any rules made under subsection (1) of section 32 of that Act by virtue of subsection (2) of that section;
 - (c) in the case of a person who has been summoned under the Court of Session Act 1988, either—
 - (i) the clerk of court issuing the citation to attend for jury service; or
 - (ii) the clerk of the court before which the person is cited to attend for jury service;
 - (d) in the case of a person who has been summoned under the Criminal Procedure (Scotland) Act 1995, either—
 - (i) the clerk of court issuing the citation to attend for jury service; or
 - (ii) the clerk of the court before which the person has been cited to attend for jury service;

and references in that paragraph to a refusal or failure to apply include references to a refusal or failure to give a notice under section 1(2)(b) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980.]

Textual Amendments

F1 S. 98B inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 40(3), 59(2)-(4)**; S.I. 2005/872, **arts. 4, 5, Sch.** (subject to arts. 6-12)

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