



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER I

#### RIGHT NOT TO BE UNFAIRLY DISMISSED

#### *[<sup>F1</sup>Retirement]*

VALID FROM 01/10/2006

#### **98ZD Normal retirement age 65 or higher: dismissal at or after retirement age**

- (1) This section applies to the dismissal of an employee if—
  - (a) the employee has a normal retirement age,
  - (b) the normal retirement age is 65 or higher, and
  - (c) the operative date of termination falls on or after the date when the employee reaches the normal retirement age.
- (2) In a case where—
  - (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 6 to the 2006 Regulations, and
  - (b) the contract of employment terminates on the intended date of retirement, retirement of the employee shall be taken to be the only reason for the dismissal by the employer and any other reason shall be disregarded.
- (3) In a case where—
  - (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 6 to the 2006 Regulations, but

*Status: Point in time view as at 01/07/2000. This version of this provision is not valid for this point in time.*

*Changes to legislation: Employment Rights Act 1996, Section 98ZD is up to date with all changes known to be in force on or before 07 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)*

(b) the contract of employment terminates before the intended date of retirement,  
 retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.

(4) In a case where—

- (a) the employer has not notified the employee in accordance with paragraph 2 of Schedule 6 to the 2006 Regulations, and
- (b) there is an intended date of retirement in relation to the dismissal, but
- (c) the contract of employment terminates before the intended date of retirement,

retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.

(5) In all other cases where the employer has not notified the employee in accordance with paragraph 2 of Schedule 6 to the 2006 Regulations, particular regard shall be had to the matters in section 98ZF when determining the reason (or principal reason) for dismissal.

**Modifications etc. (not altering text)**

- C1** Ss. 98ZA-98ZH modified (1.10.2006) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), regs. 1(1), 47, **Sch. 6 para. 10(4)**, (with regs. 44-46, Sch. 7)
- C2** Ss. 98ZA-98ZF applied (1.10.2006) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), regs. 1(1), **30(3)**, (with regs. 44-46)

**Status:**

Point in time view as at 01/07/2000. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Employment Rights Act 1996, Section 98ZD is up to date with all changes known to be in force on or before 07 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.