

*Status: Point in time view as at 05/10/1999.*

*Changes to legislation: There are currently no known outstanding effects for the Tax Credits Act 1999 (repealed),  
Cross Heading: Right of employee not to be unfairly dismissed: Northern Ireland. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### RIGHTS OF EMPLOYEES NOT TO SUFFER UNFAIR DISMISSAL OR OTHER DETRIMENT

##### *Right of employee not to be unfairly dismissed: Northern Ireland*

###### **Textual Amendments applied to the whole legislation**

**F1** Act repealed (for the purposes mentioned in accordance with art. 2 of the commencing S.I. and otherwise *prosp.*) by 2002 c. 21, ss. 60, 61, **Sch. 6**; S.I. 2002/1727, **art. 2** (with transitional provision in **art. 3** (as amended by S.I. 2002/2158, **art. 2**))

- 4 (1) After Article 135A of the <sup>M1</sup>Employment Rights (Northern Ireland) Order 1996 (the national minimum wage) there shall be inserted—

###### **Tax credit.**

“135B) 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—

- (a) any action was taken, or was proposed to be taken, by or on behalf of the employee with a view to enforcing, or otherwise securing the benefit of, a right conferred on the employee by regulations under section 6(2)(a) or (c) of the Tax Credits Act 1999;
- (b) a penalty was imposed on the employer, or proceedings for a penalty were brought against him, under section 9 of that Act, as a result of action taken by or on behalf of the employee for the purpose of enforcing, or otherwise securing the benefit of, such a right; or
- (c) the employee is entitled, or will or may be entitled, to working families’ tax credit or disabled person’s tax credit.

- (2) It is immaterial for the purposes of sub-paragraph (a) or (b) of paragraph (1)

- (a) whether or not the employee has the right, or
- (b) whether or not the right has been infringed;

but, for that paragraph to apply, the claim to the right and, if applicable, the claim that it has been infringed must be made in good faith.”

- (2) In Article 137 of that Order (redundancy as unfair dismissal) after paragraph (6A) there shall be inserted—

“(6B) This paragraph applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in paragraph (1) of Article 135B (read with paragraph (2) of that Article).”

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(3) In Article 140 of that Order (exclusion of right: qualifying period of employment) in paragraph (3) (cases where no qualifying period is required) after sub-paragraph (ff) there shall be inserted—

“(fg) paragraph (1) of Article 135B (read with paragraph (2) of that Article) applies.”.

(4) In Article 141 of that Order (exclusion of right: upper age limit) in paragraph (2) (cases where upper age limit does not apply) after sub-paragraph (ff) there shall be inserted—

“(fg) paragraph (1) of Article 135B (read with paragraph (2) of that Article) applies.”.

**Marginal Citations**

**M1** [S.I. 1996/1919](#)(N.I.16).

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