

SCHEDULE 2

PART 2

TRANSITIONAL PROVISIONS

5.—(1) This paragraph applies to the dismissal of an employee employed under a contract for a fixed term of two years or more which consists of the expiry of the term without its being renewed, where the employee has agreed in accordance with section 197 of the 1996 Act to exclude any right to a redundancy payment in that event.

(2) The repeal of sections 197, 199(6) and 203(2)(d) of the 1996 Act provided for by paragraph 3(k) of this Schedule shall have effect in relation to a dismissal to which this paragraph applies where the relevant date (within the meaning of section 145 of the 1996 Act) falls on or after 1st October 2002, unless both the following conditions are satisfied—

- (a) that, where there has been no renewal of the contract, the contract was entered into before 1st October 2002 or, where there have been one or more renewals, the only or most recent renewal was agreed before that date, and
- (b) that the agreement to exclude any right to a redundancy payment was entered into and took effect before 1st October 2002.