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STATUTORY INSTRUMENTS

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**2004 No. 3426**

**The Information and Consultation  
of Employees Regulations 2004**

**PART VIII**

**PROTECTIONS FOR INFORMATION AND  
CONSULTATION REPRESENTATIVES, ETC.**

**Subsidiary provisions relating to unfair dismissal**

**31.—**(1) In section 105 of the 1996 Act (redundancy as unfair dismissal)—

(a) in subsection (1)(c) (which requires one of a specified group of subsections to apply for a person to be treated as unfairly dismissed)(1) for “(7F) or (7G)” substitute “(7F), (7G) or (7H)” and

(b) after subsection (7G) insert—

“(7H) This subsection applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one specified in paragraph (3) or (6) of regulation 30 of the Information and Consultation of Employees Regulations 2004 (read with paragraphs (4) and (7) of that regulation).”.

(2) In section 108(2) of the 1996 Act (exclusion of right: qualifying period of employment) in subsection (3) (cases where no qualifying period of employment is required)(3)—

(a) the word “or” at the end of paragraph (j) is repealed; and

(b) after paragraph (k) insert—

“or

(1) paragraph (3) or (6) of regulation 30 of the Information and Consultation of Employees Regulations 2004 (read with paragraphs (4) and (7) of that regulation) applies.”.

(3) In section 109 of the 1996 Act (exclusion of right: upper age limit) in subsection (2) (cases where upper age limit does not apply)(4)—

(a) the word “or” at the end of paragraph (j) is repealed; and

(b) after paragraph (k) insert—

“or

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(1) Section 105 has been amended on a number of occasions to specify additional circumstances in which an employee dismissed by reason of redundancy is to be regarded as unfairly dismissed.

(2) Section 108(1) was amended by S.I.1999/1436, Article 3.

(3) Section 108(3) has been amended on a number of occasions to specify additional cases in which no qualifying period of employment is required.

(4) Section 109(2) has been amended on a number of occasions to specify additional cases where the upper age limit does not apply.

(1) paragraph (3) or (6) of regulation 30 of the Information and Consultation of Employees Regulations 2004 (read with paragraphs (4) and (7) of that regulation) applies.”.