



Employment Rights (Dispute Resolution) Act 1998

1998 CHAPTER 8

PART II

OTHER METHODS OF DISPUTE RESOLUTION

Other provisions

12 Dismissal procedures agreements.

- (1) In section 110 of the Employment Rights Act 1996 (which provides that the statutory right not to be unfairly dismissed does not apply to employees covered by a designated dismissal procedures agreement), for subsection (2) (which provides that the statutory right nevertheless applies in the case of dismissals specified in certain statutory provisions) substitute—

“(2) But if the agreement includes provision that it does not apply to dismissals of particular descriptions, subsection (1) does not apply in relation to a dismissal of any such description.”

- (2) In subsection (3) of that section (which specifies the matters as to which the Secretary of State must be satisfied before designating a dismissal procedures agreement), for paragraph (e) (which requires a dismissal procedures agreement to provide for arbitration or independent adjudication where a decision cannot otherwise be reached) substitute—

“(e) the agreement includes provision either for arbitration in every case or for—

- (i) arbitration where (by reason of equality of votes or for any other reason) a decision under the agreement cannot otherwise be reached, and
- (ii) a right to submit to arbitration any question of law arising out of such a decision, and”.

Changes to legislation: *There are currently no known outstanding effects for the Employment Rights (Dispute Resolution) Act 1998, Section 12. (See end of Document for details)*

(3) After subsection (5) of that section insert—

“(6) Where an award is made under a designated dismissal procedures agreement—

- (a) in England and Wales it may be enforced, by leave of a county court, in the same manner as a judgment of the court to the same effect and, where leave is given, judgment may be entered in terms of the award, and
- (b) in Scotland it may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.”

(4) In section 184 of that Act (which specifies the debts which the Secretary of State must satisfy if an employer has become insolvent), in subsection (1)(d) (which specifies a basic award of compensation for unfair dismissal payable by the employer), after “dismissal” insert “ or so much of an award under a designated dismissal procedures agreement as does not exceed any basic award of compensation for unfair dismissal to which the employee would be entitled but for the agreement ”.

(5) The amendments made by subsections (1) and (2) do not affect any dismissal procedures agreement designated by the Secretary of State before those subsections come into force.

Changes to legislation:

There are currently no known outstanding effects for the Employment Rights (Dispute Resolution) Act 1998, Section 12.