

*These notes refer to the Employment Relations Act 2004  
(c.24) which received Royal Assent on 16 September 2004*

# **EMPLOYMENT RELATIONS ACT 2004**

---

## **EXPLANATORY NOTES**

### **COMMENTARY**

#### **Part Two: Industrial Action Law**

##### **Date of dismissal**

183. *Section 27* amends section 238A of the 1992 Act by substituting “the date of the dismissal” for the words “it takes place” (referring to when the dismissal takes place) at each place where they occur in the section, and then defining the expression “the date of dismissal” in the same way as it is defined for the purposes of section 238 by section 238(5). The effect is that for the purposes of section 238A “the date of the dismissal” means:
- the date on which the employer’s notice was given, where the employee’s contract of employment was terminated by notice, and
  - in any other case the effective date of termination.
184. The effect is to ensure that where section 238A applies in relation to a dismissal with notice the dismissal is treated as occurring when the notice is given and not when the period of notice expires.