SCHEDULE 8

Amendments to legislation and related transitional provisions

Part 1

Primary legislation

The Employment Rights Act 1996

22.—(1) Section 98 (fairness of dismissal: general) is amended as follows.

(2) In subsection (2), after paragraph (b) insert—

"(ba) is retirement of the employee,".

(3) After subsection (2) insert—

"(2A) Subsections (1) and (2) are subject to sections 98ZA to 98ZF.".

(4) After subsection (3) insert—

"(3A) In any case where the employer has fulfilled the requirements of subsection (1) by showing that the reason (or the principal reason) for the dismissal is retirement of the employee, the question whether the dismissal is fair or unfair shall be determined in accordance with section 98ZG.".

(5) In subsection (4) for "Where" substitute "In any other case where".