



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER II

#### REMEDIES FOR UNFAIR DISMISSAL

#### *Compensation*

#### [<sup>F1</sup>127A Internal appeal procedures.

- (1) Where in a case in which an award of compensation for unfair dismissal falls to be made under section 112(4) or 117(3)(a) the tribunal finds that—
  - (a) the employer provided a procedure for appealing against dismissal, and
  - (b) the complainant was, at the time of the dismissal or within a reasonable period afterwards, given written notice stating that the employer provided the procedure and including details of it, but
  - (c) the complainant did not appeal against the dismissal under the procedure (otherwise than because the employer prevented him from doing so),the tribunal shall reduce the compensatory award included in the award of compensation for unfair dismissal by such amount (if any) as it considers just and equitable.
- (2) Where in a case in which an award of compensation for unfair dismissal falls to be made under section 112(4) or 117(3)(a) the tribunal finds that—
  - (a) the employer provided a procedure for appealing against dismissal, but
  - (b) the employer prevented the complainant from appealing against the dismissal under the procedure,the award of compensation for unfair dismissal shall include a supplementary award of such amount (if any) as the tribunal considers just and equitable.

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*Status: Point in time view as at 01/01/1999. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 127A is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (3) In determining the amount of a reduction under subsection (1) or a supplementary award under subsection (2) the tribunal shall have regard to all the circumstances of the case, including in particular the chances that an appeal under the procedure provided by the employer would have been successful.
- (4) The amount of such a reduction or supplementary award shall not exceed the amount of two weeks' pay.]

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**Textual Amendments**

**F1** S. 127A inserted (1.1.1999) by 1998 c. 8, s. 13; S.I. 1998/1658, art. 2(3), Sch. 3 (with art. 3(6))

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**Modifications etc. (not altering text)**

**C1** S. 117-127A applied (with modifications) (2.7.1999) by S.I. 1999/1548, reg. 3

**Status:**

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**Changes to legislation:**

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