Employment Rights Act 1996

1996 CHAPTER 18

PART IX

TERMINATION OF EMPLOYMENT

Minimum period of notice

86 Rights of employer and employee to minimum notice.

(1) The notice required to be given by an employer to terminate the contract of employment of a person who has been continuously employed for one month or more—

(a) is not less than one week’s notice if his period of continuous employment is less than two years,

(b) is not less than one week’s notice for each year of continuous employment if his period of continuous employment is two years or more but less than twelve years, and

(c) is not less than twelve weeks’ notice if his period of continuous employment is twelve years or more.

(2) The notice required to be given by an employee who has been continuously employed for one month or more to terminate his contract of employment is not less than one week.

(3) Any provision for shorter notice in any contract of employment with a person who has been continuously employed for one month or more has effect subject to subsections (1) and (2); but this section does not prevent either party from waiving his right to notice on any occasion or from accepting a payment in lieu of notice.

(4) Any contract of employment of a person who has been continuously employed for three months or more which is a contract for a term certain of one month or less shall have effect as if it were for an indefinite period; and, accordingly, subsections (1) and (2) apply to the contract.
(5) F1

(6) This section does not affect any right of either party to a contract of employment to treat the contract as terminable without notice by reason of the conduct of the other party.

Annotations:

Amendments (Textual)

F1 S. 86(5) omitted (1.10.2002) by virtue of The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034), reg. 11, Sch. 2 Pt. 1 para. 3(4) (with regs. 13-20 and subject to transitional provisions in Sch. 2 Pt. 2)
Changes to legislation:
Employment Rights Act 1996, Section 86 is up to date with all changes known to be in force on or before 03 April 2019. 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.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 4 inserted by 2018 c. 24 Sch. para. 2
- s. 1(4)(d)(iiia) inserted by S.I. 2018/1378 reg. 3(b)(iii)
- s. 1(4)(l)-(n) inserted by S.I. 2018/1378 reg. 3(b)(vii)
- s. 1(4)(da) inserted by S.I. 2018/1378 reg. 3(b)(iv)
- s. 1(4)(ga) inserted by S.I. 2018/1378 reg. 3(b)(v)
- s. 1(6) inserted by S.I. 2018/1378 reg. 3(b)(viii)
- s. 8(2)(e) and word inserted by S.I. 2018/147 art. 2(b)
- s. 27(1)(cd) inserted by 2018 c. 24 Sch. para. 21
- s. 43K(1)(ca) and word omitted by 2013 c. 24 s. 20(5) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by 2013 c. 24 s. 20(6) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cb) inserted by 2018 c. 24 Sch. para. 22
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 75I(3)(f) inserted by 2018 c. 24 Sch. para. 23(b)
- s. 80C(2)(bb) inserted by 2018 c. 24 Sch. para. 24(2)
- s. 80C(4)(bb) inserted by 2018 c. 24 Sch. para. 24(3)
- s. 99(3)(cb) inserted by 2018 c. 24 Sch. para. 27
- s. 101B inserted by 2008 c. 25 s. 38
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 166(8ZA) inserted by S.I. 2019/146 Sch. para. 253(2)(b)
- s. 183(4ZA) inserted by S.I. 2019/146 Sch. para. 253(3)(b)
- Sch. 2 para. 7A7B inserted by S.I. 2018/1378 reg. 9(3)