

## SCHEDULE

### ACAS ARBITRATION SCHEME

#### **XVII.**

##### **AUTOMATIC UNFAIRNESS**

**95.** In deciding whether the dismissal was fair or unfair, subject to paragraph 12 above (Arbitrator's Terms of Reference), the arbitrator shall have regard to

- (i) any provision of Part X of the Employment Rights Act 1996 (as amended from time to time) requiring a dismissal for a particular reason to be regarded as unfair, or
- (ii) any other legislative provision requiring a dismissal for a particular reason to be regarded as unfair for the purpose of Part X of the Employment Rights Act 1996.