



Employment Protection (Consolidation) Act 1978

1978 CHAPTER 44

PART V

UNFAIR DISMISSAL

Modifications etc. (not altering text)

- C1** Pt. V modified by S.I. 1981/1794, **regs. 8(1)(4)**, 13
Pt. V (ss. 54-80) modified (3.4.1995) by 1994 c. 19, **s. 44(1)(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 7, **Sch. 3**
Pt. V modified (E.W.) (ss. 54-80) (26.8.1994) by 1994 c. 20, s. 4, **Sch. 4 para. 7(1)(3)**; S.I. 1994/1841, **art. 2**
Pt. V modified (ss. 54-80) (*prosp.*) by 1995 c. 26, **ss. 46(5)(6)**, 180(1) (which c. 46 was repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202))
- C2** Pt. V (ss. 54-80) modified by S.I. 1989/901, arts. 3, 4(b), **Sch.**
- C3** Pt. V (ss. 54-80) modified (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss.152(1)**, 153, 302.
Pt. V (ss. 54-80) excluded (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss. 167(1)**, 302.
Pt. V: by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss. 167(1)(2)(3)**, 302 it is provided (16.10.1992) that Pt. V of this Act shall have effect subject to the provisions of ss. 152-166 of that 1992 Act and that those sections shall be construed as one with this Part.

Right not to be unfairly dismissed

Status: Point in time view as at 22/08/1996.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)

Textual Amendments

F1 S. 54 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Meaning of unfair dismissal

^{F2}**55**

Textual Amendments

F2 S. 55 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F3}**56**

Textual Amendments

F3 S. 56 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F4}**56A**

Textual Amendments

F4 S. 56A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F5}**57**

Textual Amendments

F5 S. 57 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F6}**57A**

Textual Amendments

F6 S. 57A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

^{F7}**57AA Dismissal of employee representatives.**

The dismissal of an employee by an employer shall be regarded for the purposes of this Part as having been unfair if the reason for it (or, if more than one, the principal reason) was that the employee, being—

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Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)

- (a) an employee representative for the purposes of Chapter II of Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992 or Regulations 10 and 11 of the Transfer of Undertakings (Protection of Employment) Regulations 1981, or
 - (b) a candidate in an election in which any person elected will, on being elected, be such an employee representative,
- performed, or proposed to perform, any functions or activities as such an employee representative or candidate.]

Textual Amendments

F7 [S. 57AA](#) inserted (26.10.1995) by [S.I. 1995/2587](#), [reg. 14\(1\)](#)

F8 [58](#)

Textual Amendments

F8 [S. 58](#) repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), [ss. 300\(1\), 302](#), [Sch.1](#) (with savings in [Sch. 3 para. 2](#)).

F9 [58A](#)

Textual Amendments

F9 [S. 58A](#) repealed by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), [s. 33\(2\)](#), [Sch. 4](#)

F10 [59](#)

Textual Amendments

F10 [S. 59](#) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243](#), [Sch. 3 Pt. I](#) (with [ss. 191-195, 202](#))

F11 [60](#)

Textual Amendments

F11 [S. 60](#) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243](#), [Sch. 3 Pt. I](#) (with [ss. 191-195, 202](#))

F12 [60A](#)

Status: Point in time view as at 22/08/1996.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)

Textual Amendments

F12 S. 60A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F13 **61**

Textual Amendments

F13 S. 61 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F14 **62**

Textual Amendments

F14 S. 62 repealed (16.10.1992) by **Trade Union and Labour Relations (Consolidation) Act 1992** (c. 52), ss. 300(1), 302, **Sch.1** (with savings in Sch. 3 para. 2) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F15 **62A**

Textual Amendments

F15 S. 62A inserted by **Employment Act 1990** (c. 38), **s. 9(1)** and repealed (16.10.1992) by **Trade Union and Labour Relations (Consolidation) Act 1992** (c. 52), ss. 300(1), 302, **Sch.1** (with savings in Sch. 3 para. 2).

F16 **63**

Textual Amendments

F16 S. 63 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Exclusion of section 54

F17 **64**

Textual Amendments

F17 S. 64 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Status: Point in time view as at 22/08/1996.

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F18 **64A**

Textual Amendments

F18 S. 64A (which was inserted with saving by Employment Act 1980 (c. 42, SIF 43:5), s. 8(1); S.I. 1980/1170) repealed (30.8.1993) by 1993 c. 19, ss. 49(1), 51, Sch. 7 para. 2, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch.1** (and expressed to be repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202))

F19 **65**

Textual Amendments

F19 S. 65 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F20 **66**

Textual Amendments

F20 S. 66 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

Remedies for unfair dismissal

F21 **67**

Textual Amendments

F21 S. 67 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F22 **68**

Textual Amendments

F22 S. 68 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F23 **69**

Status: Point in time view as at 22/08/1996.

Changes to legislation: There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)

Textual Amendments

F23 S. 69 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F24⁷⁰

Textual Amendments

F24 S. 70 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F25⁷¹

Textual Amendments

F25 S. 71 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

Amount of compensation

F26⁷²

Textual Amendments

F26 S. 72 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F27^{72A}

Textual Amendments

F27 S. 72A (which was inserted by **Employment Act 1982 (c. 46), s. 6** (with savings in S.I. 1982/1656, **Sch. 2**)) repealed (16.10.1992) by **Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, Sch.1** (with savings in Sch. 3 para. 2) and expressed to be repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F28⁷³

Textual Amendments

F28 S. 73 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Status: Point in time view as at 22/08/1996.

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)*

F29**74**

Textual Amendments

F29 S. 74 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F30**75**

Textual Amendments

F30 S. 75 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F31**75A**

Textual Amendments

F31 S. 75A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

F32**76**

Textual Amendments

F32 S. 76 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F33**76A**

Textual Amendments

F33 Ss. 76A-79 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(1), 302, **Sch.1** (with savings in Sch. 3 para. 2) and expressed to be repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

F34**76B**,
76C

Status: Point in time view as at 22/08/1996.

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Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)*

Textual Amendments

F34 Ss. 76B, 76C repealed by [Employment Act 1982 \(c. 46, SIF 43:5\)](#), [Sch. 4](#) with saving in S.I. 1982/1656, [Sch. 2](#) and expressed to be repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

f^{F35}Interim relief

Textual Amendments

F35 Ss. 77-79 and cross heading inserted (30.8.1993) by 1993 c. 19, s. 28, [Sch. 5 para.10](#); S.I. 1993/1908, art. 2(1), [Sch.1](#) (previous versions of ss. 77-79 having been repealed (16.10.1992) by 1992 c. 52, [Sch. 1](#)).

F36 ~~77~~

Textual Amendments

F36 S. 77 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, [Sch. 1](#)

F37 ~~77A~~

Textual Amendments

F37 S. 77A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

F38 ~~78~~

Textual Amendments

F38 S. 78 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

F39 ~~78A~~

Textual Amendments

F39 S. 78A repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, s. 1(2) (with s. 16(2)); S.I. 1998/1658, art. 2, [Sch. 1](#)

F40 ~~79]~~

Status: Point in time view as at 22/08/1996.

*Changes to legislation: There are currently no known outstanding effects for the
Employment Protection (Consolidation) Act 1978, Part V. (See end of Document for details)*

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Textual Amendments

F40 S. 79 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)** (with s. 16(2)); S.I. 1998/1658, art. 2, **Sch. 1**

Teachers in aided schools

F41 **80**

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Textual Amendments

F41 S. 80 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

Status:

Point in time view as at 22/08/1996.

Changes to legislation:

There are currently no known outstanding effects for the Employment Protection (Consolidation) Act 1978, Part V.