



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Other rights of individuals*

#### **18 Agreement to exclude dismissal rights.**

- (1) In section 197 of the <sup>M1</sup>Employment Rights Act 1996 (fixed-term contracts) subsections (1) and (2) (agreement to exclude unfair dismissal provisions) shall be omitted; and subsections (2) to (5) below shall have effect in consequence.
- (2) In sections 44(4), 46(2), 47(2), 47A(2) and 47B(2) of that Act—
  - (a) the words from the beginning to “the dismissal,” shall be omitted, and
  - (b) for “that Part” there shall be substituted “ Part X ”.
- (3) In section 45A(4) of that Act the words from “, unless” to the end shall be omitted.
- (4) In section 23 of the <sup>M2</sup>National Minimum Wage Act 1998, for subsection (4) there shall be substituted—

“(4) This section does not apply where the detriment in question amounts to dismissal within the meaning of—

- (a) Part X of the Employment Rights Act 1996 (unfair dismissal), or
- (b) Part XI of the Employment Rights (Northern Ireland) Order 1996 (corresponding provision for Northern Ireland),

except where in relation to Northern Ireland the person in question is dismissed in circumstances in which, by virtue of Article 240 of that Order (fixed term contracts), Part XI does not apply to the dismissal.”

<sup>F1</sup>(5) .....

<sup>F2</sup>(6) .....

#### **Textual Amendments**

- F1** S. 18(5) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(4)(e), [Sch. 2](#)

---

**Changes to legislation:** There are currently no known outstanding effects for the Employment Relations Act 1999, Section 18. (See end of Document for details)

---

**F2** S. 18(6) repealed (25.10.1999) by 1999 c. 26, s. 44, **Sch. 9(6)**; S.I. 1999/2830, art. 2(3)(a), **Sch. 2 Pt. I**

---

**Commencement Information**

**I1** S. 18 wholly in force at 25.10.1999: S. 18 not in force at Royal Assent see s. 45: S. 18(6) in force at 30.9.1999 by S.I. 1999/2509, **art. 3** (with **art. 4**); s. 18 wholly in force at 25.10.1999 by S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. I** (with **art. 3**)

---

**Marginal Citations**

**M1** 1996 c. 18.

**M2** 1998 c. 39.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 18.