



Employment Act 2002

2002 CHAPTER 22

PART 3

DISPUTE RESOLUTION ETC.

General

39 Unfair dismissal: adjustments under sections 31 and 38

In the Employment Rights Act 1996 (c. 18), after section 124 there is inserted—

“124A Adjustments under the Employment Act 2002

Where an award of compensation for unfair dismissal falls to be—

- (a) reduced or increased under section 31 of the Employment Act 2002 (non-completion of statutory procedures), or
- (b) increased under section 38 of that Act (failure to give statement of employment particulars),

the adjustment shall be in the amount awarded under section 118(1)(b) and shall be applied immediately before any reduction under section 123(6) or (7).”

Commencement Information

II [S. 39](#) in force at 1.10.2004 by [S.I. 2004/1717](#), [art. 2\(2\)](#)

40 Interpretation of Part 3

In this Part—

“employer” and “employee” have the same meanings as in the Employment Rights Act 1996 (c. 18);

[^{F1}“worker” has the same meaning as in the Employment Rights Act 1996.]

Changes to legislation: Employment Act 2002, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

F2
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Textual Amendments

- F1** Words in s. 40 inserted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **18**
- F2** Words in s. 40 repealed (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), s. 22(1)(a), **Sch. Pt. 1**; [S.I. 2008/3232](#), [art. 2](#) (with [art. 3Sch.](#))
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Commencement Information

- I2** S. 40 in force at 1.10.2004 by [S.I. 2004/1717](#), [art. 2\(2\)](#)

Changes to legislation:

Employment Act 2002, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 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.

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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):

- s. 7(3)(e) and word inserted by [2023 c. 20 Sch. para. 36\(4\)\(c\)](#)
- s. 15(2)(bb) word omitted by [2023 c. 20 Sch. para. 43\(a\)](#)
- s. 15(2)(bc) inserted by [2023 c. 20 Sch. para. 43\(b\)](#)