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STATUTORY INSTRUMENTS

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**1996 No. 3147**

**The Employment Protection (Continuity  
of Employment) Regulations 1996**

**Exclusion of operation of section 214 of the Employment Rights Act 1996 where redundancy or equivalent payment repaid**

4.—(1) Section 214 of the Employment Rights Act 1996 (continuity broken where employee re-employed after the making of a redundancy payment or equivalent payment) shall not apply where—

- (a) in consequence of any action to which these Regulations apply a dismissed employee is reinstated or re-employed by his employer or by a successor or associated employer of the employer,
- (b) the terms upon which he is so reinstated or re-engaged include provision for him to repay the amount of a redundancy payment or an equivalent payment paid in respect of the relevant dismissal, and
- (c) that provision is complied with.

(2) For the purposes of this regulation the cases in which a redundancy payment shall be treated as having been paid are the cases mentioned in section 214(5) of the Employment Rights Act 1996.