
STATUTORY INSTRUMENTS

2004 No. 752

**The Employment Act 2002 (Dispute
Resolution) Regulations 2004**

Application of dismissal and disciplinary procedures

3.—(1) Subject to paragraph (2) and regulation 4, the standard dismissal and disciplinary procedure applies when an employer contemplates dismissing or taking relevant disciplinary action against an employee.

(2) Subject to regulation 4, the modified dismissal procedure applies in relation to a dismissal where—

- (a) the employer dismissed the employee by reason of his conduct without notice,
- (b) the dismissal occurred at the time the employer became aware of the conduct or immediately thereafter,
- (c) the employer was entitled, in the circumstances, to dismiss the employee by reason of his conduct without notice or any payment in lieu of notice, and
- (d) it was reasonable for the employer, in the circumstances, to dismiss the employee before enquiring into the circumstances in which the conduct took place,

but neither of the dismissal and disciplinary procedures applies in relation to such a dismissal where the employee presents a complaint relating to the dismissal to an employment tribunal at a time when the employer has not complied with paragraph 4 of Schedule 2.