

**EXTRACT FROM EMPLOYMENT RIGHTS ACT 1996**

(Taken from the National Archives Government Web-Site)

**139 Redundancy.**

(1) For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to—

(a) the fact that his employer has ceased or intends to cease—

(i) to carry on the business for the purposes of which the employee was employed by him, or

(ii) to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business—

(i) for employees to carry out work of a particular kind, or

(ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer,

have ceased or diminished or are expected to cease or diminish.

(2) For the purposes of subsection (1) the business of the employer together with the business or businesses of his associated employers shall be treated as one (unless either of the conditions specified in paragraphs (a) and (b) of that subsection would be satisfied without so treating them).

(3) For the purposes of subsection (1) the activities carried on by a **[F1local authority]****F1** with respect to the schools maintained by it, and the activities carried on by the **[F2governing bodies]****F2** of those schools, shall be treated as one business (unless either of the conditions specified in paragraphs (a) and (b) of that subsection would be satisfied without so treating them).

(4) Where—

(a) the contract under which a person is employed is treated by section 136(5) as terminated by his employer by reason of an act or event, and

(b) the employee's contract is not renewed and he is not re-engaged under a new contract of employment,

he shall be taken for the purposes of this Act to be dismissed by reason of redundancy if the circumstances in which his contract is not renewed, and he is not re-engaged, are wholly or mainly attributable to either of the facts stated in paragraphs (a) and (b) of subsection (1).

(5) In its application to a case within subsection (4), paragraph (a)(i) of subsection (1) has effect as if the reference in that subsection to the employer included a reference to any person to whom, in consequence of the act or event, power to dispose of the business has passed.

(6) In subsection (1) "cease" and "diminish" mean cease and diminish either permanently or temporarily and for whatever reason.

**[F3(7)** In subsection (3) "local authority" has the meaning given by section 579(1) of the Education Act 1996.**F3]**

## Annotations: ?

### ✖ Amendments (Textual)

**F1** Words in s. 139(3) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 41(4)(a)**

**F2** Words in s. 139(3) substituted (1.10.2002 except in relation to W. and otherwise 19.12.2002) by Education Act 2002 (c. 32), s. 215(1), **Sch. 21 para. 31** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1

**F3S.** 139(7) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 41(4)(b)**

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Modifications etc. (not altering text)

**C1S.** 139 applied (1.4.1999) by 1998 c. 31, **s. 57(6)(7)**; S.I. 1999/1016, art. 2(1), **Sch. 1**

**S.** 139 applied (21.5.2001) by S.I. 2001/1185, arts. 2, 3, **Sch. para. 129(i)**

**C2S.** 139 applied (1.10.2002 except in relation to W.) by Education Act 2002 (c. 32), **s. 37(6)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

**C3S.** 139(3) extended (temp. from 1.4.1999 to 1.9.1999) by S.I. 1999/638, **reg. 4**