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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

**PART XII**

**REDUNDANCY PAYMENTS ETC.**

**CHAPTER VI**

**PAYMENTS BY DEPARTMENT**

**Amount of payments**

- 203.**—(1) The sum payable to an employee by the Department under Article 202—
- (a) where the employer's payment to which the employee's application under Article 201 relates is a redundancy payment or a part of a redundancy payment, is a sum equal to the amount of the redundancy payment or part, and
  - (b) where the employer's payment to which the employee's application under Article 201 relates is a payment which the employer is liable to make under an agreement in respect of which an order is in force under Article 192, is a sum equal to the amount of the employer's payment or of the relevant redundancy payment, whichever is less.
- (2) The reference in paragraph (1)(b) to the amount of the relevant redundancy payment is to the amount of the redundancy payment which the employer would have been liable to pay to the employee on the assumptions specified in paragraph (3).
- (3) The assumptions referred to in paragraph (2) are that—
- (a) the order in force in respect of the agreement had not been made,
  - (b) the circumstances in which the employer's payment is payable had been such that the employer was liable to pay a redundancy payment to the employee in those circumstances,
  - (c) the relevant date, in relation to any such redundancy payment, had been the date on which the termination of the employee's contract of employment is treated as having taken effect for the purposes of the agreement, and
  - (d) in so far as the provisions of the agreement relating to the circumstances in which the continuity of an employee's period of employment is to be treated as broken, and the weeks which are to count in computing a period of employment, are inconsistent with the provisions of Chapter III of Part I, the provisions of the agreement were substituted for those provisions.