
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XII

REDUNDANCY PAYMENTS ETC.

CHAPTER VII

SUPPLEMENTARY

Death of employer or employee

Death of employer: dismissal

209.—(1) Where the contract of employment of an employee is taken for the purposes of this Part to be terminated by his employer by reason of the employer's death, this Part has effect in accordance with the following provisions of this Article.

(2) Article 173 applies as if—

- (a) in paragraph (1)(a), for the words “in pursuance” onwards there were substituted “by a personal representative of the deceased employer”,
- (b) in paragraph (1)(b), for the words “either immediately” onwards there were substituted “not later than eight weeks after the death of the deceased employer”, and
- (c) in paragraphs (2)(b) and (6)(a), for the word “employer” there were substituted “personal representative of the deceased employer”.

(3) Article 176(1) applies as if—

- (a) for the words “before the end of his employment” there were substituted “by a personal representative of the deceased employer”, and
- (b) for the words “either immediately” onwards there were substituted “not later than eight weeks after the death of the deceased employer”.

(4) For the purposes of Article 176—

- (a) provisions of the contract as renewed, or of the new contract, do not differ from the corresponding provisions of the contract in force immediately before the death of the deceased employer by reason only that the personal representative would be substituted for the deceased employer as the employer, and
- (b) no account shall be taken of that substitution in determining whether refusal of the offer was unreasonable or whether the employee acted reasonably in terminating or giving notice to terminate the new or renewed employment.

(5) Article 181 has effect as if—

- (a) paragraph (1) were omitted, and
- (b) in paragraph (2), sub-paragraph (a) were omitted and, in sub-paragraph (b), for the word “four” there were substituted “eight”.

(6) For the purposes of the application of this Part (in accordance with Article 196(2)) in relation to an employee who was employed as a domestic servant in a private household, references in this Article and Articles 14(4) and (5) and 210 to a personal representative include a person to whom the management of the household has passed, otherwise than in pursuance of a sale or other disposition for valuable consideration, in consequence of the death of the employer.