

1986 No. 206

TERMS AND CONDITIONS OF EMPLOYMENT

**The Redundancy Payments (Local Government etc.) (Modification) Order
(Northern Ireland) 1986**

Made 3rd July 1986

Coming into operation 18th August 1986

*To be laid before Parliament under paragraph 3(3) of Schedule 1
to the Northern Ireland Act 1974*

The Department of Economic Development(a) in exercise of the powers conferred by section 26(5)(a) and (6) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b) and now vested in it(c) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Redundancy Payments (Local Government etc.) (Modification) Order (Northern Ireland) 1986 and shall come into operation on 18th August 1986.

(2) In this Order—

“relevant event” means any event occurring on or after the coming into operation of this Order on the happening of which an employee may become entitled to a redundancy payment in accordance with the provisions of the Act;

“the Act” means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.

Application of Order

2. This Order applies to any person who, immediately before the occurrence of the relevant event, is employed by an employer referred to in Schedule 1 for the purposes of determining the entitlement of any such person to a redundancy payment under Part II of the Act and the amount of such payment.

Application of certain redundancy payments provisions with modifications

3. In relation to any person to whom this Order applies, the provisions of Part II of the Act mentioned in Schedule 2 shall have effect subject to the modifications specified in that Schedule.

Transitional, supplementary and incidental provisions

4.—(1) Without prejudice to section 11(1) of the Interpretation Act (Northern Ireland) 1954(d), any reference in any enactment (including the Act) to any provision of Part II of the Act shall have effect, in relation to any person to whom this Order applies, as a reference to that provision as modified by this Order.

(2) Any document which refers, whether specifically or by means of a general description, to an enactment which is modified by any provision of this Order shall,

(a) Formerly the Department of Manpower Services: see S.I. 1982/846 (N.I. 11) Article 3

(b) 1965 c. 19 (N.I.)

(c) S.R. & O. (N.I.) 1973 No. 504 Article 6 and Schedule 3

(d) 1954 c. 33 (N.I.)

except so far as the context otherwise requires, be construed as referring or as including a reference, to that provision.

(3) Where a period of employment of a person to whom this Order applies falls to be computed in accordance with the provisions of the Act as modified by this Order, the provisions of this Order shall have effect in relation to any period whether falling wholly or partly before or after the coming into operation of this Order.

Sealed with the Official Seal of the Department of Economic Development on 3rd July 1986.

(L.S.)

D. J. Watkins

Assistant Secretary

SCHEDULE 1

EMPLOYERS FOR THE PURPOSES OF ARTICLE 2

1. A district council.
2. Any association which is representative of any two or more district councils.
3. The Northern Ireland Local Government Officers Superannuation Committee.
4. The Northern Ireland Housing Executive.
5. The Fire Authority for Northern Ireland.
6. The Local Government Staff Commission.
7. The Management of a Training School either approved under section 137 or set up under section 138 of the Children and Young Persons Act (Northern Ireland) 1968(a).
8. A New Town Commission established under the New Towns Act (Northern Ireland) 1965(b).
9. The Probation Board for Northern Ireland.
10. Citybus Limited.
11. Ulsterbus Limited.
12. The Northern Ireland Railways Company Limited.
13. The Northern Ireland Fishery Harbour Authority.
14. An education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(c).
15. The managers of:—
 - (a) a voluntary school; or
 - (b) a college of education,
within the meaning of the Education and Libraries (Northern Ireland) Order 1986.
16. The Staff Commission for Education and Library Boards.
17. The Arts Council for Northern Ireland.
18. The Northern Ireland Schools' Examinations Council.
19. The Trustees of the Northern Ireland Council for Educational Research.
20. The Sports Council for Northern Ireland.
21. The Trustees of the Ulster American Folk Park.
22. The Trustees of the Ulster Folk and Transport Museum.
23. The Trustees of the Ulster Museum.

(a) 1968 c. 34 (N.I.) as substituted by Schedule 16 to S.I. 1972/1265 (N.I. 14)

(b) 1965 c. 13 (N.I.)

(c) S.I. 1986/594 (N.I. 3)

MODIFICATIONS TO CERTAIN REDUNDANCY PAYMENTS PROVISIONS OF THE ACT

1. Section 11 of the Act shall have effect as if—

(a) in subsection (1) for the words “has been continuously employed for the requisite period” there were substituted the words “has been employed in relevant local government service for the requisite period”; and

(b) after subsection (2) there were inserted the following subsection:—

“(3) In this section and Schedule 3—

(a) “relevant local government service” means—

(i) continuous employment by an employer referred to in Schedule 3A, or

(ii) where immediately before the relevant event a person has been successively employed by two or more employers referred to in Schedule 3A, such aggregate period of service with such employers as would be continuous employment if they were a single employer;

(b) “relevant event” means any event occurring on or after the coming into operation of the Redundancy Payments (Local Government etc.) (Modification) (Northern Ireland) Order 1986 on the happening of which an employee may become entitled to a redundancy payment in accordance with this Act.”.

2. Section 12 of the Act shall have effect as if immediately after subsection (6) there were inserted—

“(7) Any reference in this section to re-engagement by the employer shall be construed as including a reference to re-engagement by any employer referred to in Schedule 3A and any reference in this section to an offer by the employer shall be construed as including a reference to an offer made by any such employer.”.

3. Section 13 of the Act shall have effect as if immediately after subsection (10) there were inserted the following subsection—

“(11) Any reference in this section to re-engagement by the employer shall be construed as including a reference to re-engagement by any employer referred to in Schedule 3A and any reference in this section to an offer made by the employer shall be construed as including a reference to an offer made by any such employer.”.

4. Schedule 3 to the Act shall have effect as if for paragraph 1 there were substituted the following paragraph—

“1. The amount of a redundancy payment to which an employee is entitled in any case to which the Redundancy Payments (Local Government etc.) (Modification) Order (Northern Ireland) 1986 applies shall, subject to the following provisions of this Schedule be calculated by reference to the period ending with the relevant date during which he has been employed in relevant local government service.”.

5. The Act shall have effect as if after Schedule 3 there were inserted the following Schedule—

“SCHEDULE 3A

EMPLOYERS WITH WHICH EMPLOYMENT MAY CONSTITUTE RELEVANT LOCAL GOVERNMENT SERVICE

1. Any employer described in Schedule 1 to the Redundancy Payments (Local Government etc.) (Modification) Order (Northern Ireland) 1986 whether or not in existence at the time of the relevant event.

2. The council of any county, county borough or other borough, or rural district, or the commissioners of any town not being an urban district or the Belfast City and District Water Commissioners, a local authority in their capacity as a public authority for the purposes of any enactment, a committee of a local authority, or a joint board or joint committee of more than one authority.

3. The Northern Ireland Housing Trust.

4. The Northern Ireland Transport Holding Company.

5. The Ulster Transport Authority,

6. A former local education authority as was defined by the Education and Libraries (Northern Ireland) Order 1972.

7. The Central Council for Physical Recreation, Northern Ireland Region.”

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order modifies certain redundancy payments provisions of Part II of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (“the Act”) by allowing certain persons who were employed by employers referred to in Schedule 1 to the Order to be treated as if any relevant local government service (that is to say service with employers referred to in Schedule 3A to the Act as modified by this Order) were continuous for the purposes of those redundancy payments provisions. The Order applies to such, persons who become entitled to a redundancy payment under the Act after the coming into operation of the Order.