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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 604**

**EMPLOYMENT**

**Employment Protection (Continuity of  
Employment) Regulations (Northern Ireland) 1996**

*Made* - - - - *20th December 1996*

*Coming into operation* *2nd February 1997*

The Department of Economic Development, in exercise of the powers conferred on it by Article 15 of the Employment Rights (Northern Ireland) Order 1996<sup>(1)</sup> and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996 and shall come into operation on 2nd February 1997.

(2) The Industrial Relations (Continuity of Employment) Regulations (Northern Ireland) 1994<sup>(2)</sup> are hereby revoked.

**Interpretation**

2. In these Regulations “the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996.

**Application**

3. These Regulations apply to any action taken in relation to the dismissal of an employee which consists of:

- (a) his making a claim in accordance with a dismissal procedures agreement designated by an order under Article 142 of the 1996 Order;
- (b) the presentation by him of a relevant complaint of dismissal;
- (c) any action taken by the Agency under Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996<sup>(3)</sup>; or

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(1) S.I. 1996/1919 (N.I. 16)

(2) S.R. 1994 No. 3

(3) S.I. 1996/1921 (N.I. 18)

- (d) the making of a relevant compromise contract.

**Continuity of employment where employee re-engaged**

4.—(1) The provisions of this regulation shall have effect to preserve the continuity of a person’s period of employment for the purposes of Chapter III of Part I of the 1996 Order (continuous employment).

(2) If in consequence of any action to which these Regulations apply a dismissed employee is reinstated or re-engaged by his employer or by a successor or associated employer of the employer:

- (a) the continuity of that employee’s period of employment shall be preserved; and
- (b) the period beginning with (and including) the date on which the dismissal takes effect and ending with the date of reinstatement or re-engagement shall count in the computation of the employee’s period of continuous employment.

**Exclusion of operation of Article 10 of the 1996 Order where redundancy or equivalent payment repaid**

5.—(1) Article 10 of the 1996 Order (continuity broken where employee re-employed after the making of a redundancy payment or equivalent payment) shall not apply where—

- (a) in consequence of any action to which these Regulations apply a dismissed employee is reinstated or re-employed by his employer or by a successor or associated employer of the employer; and
- (b) the terms upon which he is so reinstated or re-engaged include provision for him to repay the amount of a redundancy payment or an equivalent payment paid in respect of the relevant dismissal, and
- (c) that provision is complied with.

(2) For the purposes of this regulation, the cases in which a redundancy payment shall be treated as having been paid are the cases mentioned in Article 10(5) of the 1996 Order.

Sealed with the Official Seal of the Department of Economic Development on 20th December 1996.

L.S.

*W. D. A. Haire*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations, which come into operation on 2nd February 1997, revoke and replace the Industrial Relations (Continuity of Employment) Regulations 1994 (“the 1994 Regulations”) which provided for the preservation of continuity of employment for the purposes of employment protection rights now contained in the Employment Rights (Northern Ireland) Order 1996 where a dismissed employee was reinstated or re-engaged in certain circumstances. The 1994 Regulations also provided that continuity of employment was not broken in redundancy cases where any such employee repaid a redundancy payment or equivalent payment. The only change of substance in these Regulations is the inclusion of provision for preserving continuity of employment where a dismissed employee is reinstated or re-engaged in consequence of the making of an agreement or contract authorised by section 9(2)(b) of the Disability Discrimination Act 1995 ([1995 c. 50](#)).