

1981 No. 325

AIRCRAFT AND SHIPBUILDING INDUSTRIES

**The Shipbuilding (Redundancy Payments Scheme)
 (Northern Ireland) (Amendment) Order 1981**

Laid before Parliament in draft

Made - - - *2nd March 1981*

Coming into Operation *3rd March 1981*

In exercise of the powers conferred upon me by sections 1 and 2 of the Shipbuilding (Redundancy Payments) Act 1978(a) and for the purposes mentioned in section 1(1) of that Act, I hereby make the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament in accordance with section 2(10) of that Act.

1. This Order may be cited as the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) (Amendment) Order 1981 and shall come into operation on the day after it is made.

2. In this Order "the Scheme" means the Scheme set out in the Schedule to the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) Order 1978(b).

3. Subject to Article 4 below, Article 1(1) of the Scheme shall have effect subject to the following amendments, that is to say—

(a) the definition of "previous earnings" shall apply in relation to a person in whose case the relevant date falls on or after 1st February 1981 as if the limit of £100(c) to the amount of a week's pay in paragraph 5 of Schedule 3 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(d) had been a limit of £130;

(b) for the definition of "qualifying company" there shall be substituted the following definition:—

"qualifying company" means a relevant company whose business on or after 1st July 1977 consists or consisted wholly or mainly of qualifying activities; and

(c) for the definition of "unemployed person" there shall be substituted the following definition:—

"unemployed person" means in relation to any day a person who on that day is unemployed and—

(a) is entitled to receive unemployment benefit under the Social Security (Northern Ireland) Act 1975(e) in respect of that day; or

(a) 1978 c. 11.

(b) S.I. 1978/1127, amended by S.I. 1979/881 and 1980/573.

(c) The limit was raised to £110 in relation to a person in whose case the relevant date fell on or between 1st February 1979 and 31st January 1980 by S.I. 1979/881, and to £120 in relation to a person in whose case the relevant date fell on or after 1st February 1980 by S.I. 1980/573.

(d) 1965 c. 19 (N.I.); paragraph 5 of Schedule 3 was amended by paragraph 39 of Part II of Schedule 5 to S.I. 1976/1043 (N.I. 16) and by S.R. (N.I.) 1977 No. 381 and 1979 Nos. 7 and 456 and 1981 No. 1.

- (b) would be so entitled but for—
- (i) the fact that he is certified as incapable of work through sickness or injury; or
 - (ii) the fact that his right to that benefit is exhausted; or
 - (iii) having been a self-employed earner as defined in section 2(1)(b) of that Act for any period before that day; or
 - (iv) the provisions of regulations made under section 85(a) of that Act (overlapping benefits); or
 - (v) being a married woman or widow and having elected to pay primary Class 1 contributions at a reduced rate in accordance with regulations made by virtue of Article 5(2)(b) of the Social Security Pensions (Northern Ireland) Order 1975(b); or
 - (vi) the fact that that day is one of the first three days of a period of interruption of employment; or
- (c) has worked for less than 16 hours in the week in which that day falls and would be so entitled but for the fact that that day is not to be treated as a day of unemployment under regulation 6 (1)(h) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979(c); or
- (d) is attending a course provided by the Department of Manpower Services for Northern Ireland or any other authority or person under the Employment and Training Act (Northern Ireland) 1950(d) or a training course approved by the Department for the purposes of this Scheme;’.

4. The Scheme shall be read and construed as if the definition of “qualifying company” in Article 1(1) thereof had at all times been the same as the definition of that expression set out in Article 3 above but the amendment to the definition of “unemployed person” in the said Article 3 shall not apply for the purpose of determining whether a person was unemployed on any day before the coming into operation of this Order.

5. Paragraph 1(b) and, except for the purpose mentioned in Article 4 above, paragraph 1(c) of the Schedule to the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) (Amendment) Order 1979(e) are hereby revoked.

Humphrey Atkins,

One of Her Majesty’s Principal
Secretaries of State.

Northern Ireland Office.
2nd March 1981.

(a) Section 85 was amended by S.I. 1975/1504 (N.I. 16), Schedules 4 and 5 and S.I. 1979/396 (N.I. 5), Art. 12.

(b) S.I. 1975/1503 (N.I. 15).

(d) 1950 c. 29 (N.I.).

(c) S.R. (N.I.) 1979 No. 211.

(e) S.I. 1979/881.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the Scheme established by the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) Order 1978 for the payment of benefits to the employees of any company engaged in shipbuilding the whole of whose equity share capital is owned by or on behalf of the Crown or of any wholly earned subsidiary of such a company who are made redundant or transferred to less well-paid employment.

The changes are—

- (a) that a person may now be eligible for benefits if the company which employed him when he was dismissed or transferred commenced qualifying activities on or after 1st July 1977 (Article 3(b)). By virtue of Article 4 the Scheme is to be construed as if it had always so provided, thereby enabling payments to be made under it to employees of such companies who before this Order comes into operation were in all other respects eligible therefor; and
- (b) that (in relation to any day after the coming into operation of this Order) a person is to be treated as unemployed if he is entitled to receive unemployment benefit (or, in specified circumstances, where he is not) and not merely if he is registered for employment (Articles 3(c) and 4); and
- (c) that the limit of £100 to a week's pay taken into account in calculating previous earnings is increased to £130 where the relevant date is on or after 1st February 1981 (Article 3(a)).

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