

## 1976 No. 261

**TERMS AND CONDITIONS OF EMPLOYMENT****Industrial Relations (Continuity of Employment) Regulations  
(Northern Ireland) 1976**

*Made* . . . . . 1st September 1976

*Coming into operation* . . . . . 1st October 1976

The Department of Manpower Services in exercise of the powers conferred by Article 68(4) of the Industrial Relations (Northern Ireland) Order 1976(a) and of every other power enabling it in that behalf hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Industrial Relations (Continuity of Employment) Regulations (Northern Ireland) 1976 and shall come into operation on 1st October 1976.

*Interpretation*

2. In these Regulations—

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

“the Order of 1976” means the Industrial Relations (Northern Ireland) Order 1976;

“the Department” means the Department of Manpower Services;

“the effective date of termination” has the same meaning as in Article 21(4) of the Order of 1976.

*Application*

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

(a) of the presentation by him of a complaint under Article 29 of the Order of 1976, or

(b) of his making a claim in accordance with a dismissal procedures agreement designated under Article 26 of that Order, or

(c) of any action taken by the Department under Article 62(5) of that Order.

*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 Schedule 1 to the Act of 1965 and for the purposes of that Schedule as applied by the Order of 1976.

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(a) S.I. 1976/1043 (N.I. 16) coming into operation on 1st October 1976. See S.R. 1976 No. 218 (C. 11)

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

(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 the continuity of that employee's period of employment shall be preserved and, accordingly, any week falling within the interval beginning with the effective date of termination and ending with the date of reinstatement or re-engagement, as the case may be, shall count in the computation of the employee's period of continuous employment.

*Exclusion of operation of sections 34 and 34A of the Act of 1965*

5.—(1) Where 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 and 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, sections 34 or 34A of the Act of 1965 (which require the continuity of the period of employment to be treated as broken where a redundancy payment or an equivalent payment is paid and he is subsequently re-engaged) shall not apply if 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 cases mentioned in paragraphs (a) and (b) of section 34(3) of the Act of 1965.

Scaled with the Official Seal of the Department of Manpower Services for Northern Ireland on 1st September 1976.

(L.S.)

*D. J. Perham*

Senior Assistant Secretary

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EXPLANATORY NOTE

*(This note is not part of the Regulations but is intended to indicate their general purport.)*

These Regulations provide for the preservation of continuity of employment where a dismissed employee is reinstated or re-engaged as a result of action taken under the Industrial Relations (Northern Ireland) Order 1976. The Regulations also provide that continuity of employment is not broken where any such employee has repaid a redundancy payment or an equivalent payment.

The Regulations are necessary to make the Industrial Relations (Northern Ireland) Order 1976 effective upon its commencement and are made under Article 59 of that Order by virtue of section 16 of the Interpretation Act (Northern Ireland) 1954.