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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 378**

**Statutory Paternity Pay and Statutory Adoption  
Pay (General) Regulations (Northern Ireland) 2002**

**PART VI**

**STATUTORY PATERNITY PAY AND STATUTORY ADOPTION  
PAY: PROVISIONS APPLICABLE TO BOTH STATUTORY  
PATERNITY PAY AND STATUTORY ADOPTION PAY**

**Continuous employment and unfair dismissal**

**34.**—(1) This regulation applies to a person in relation to whose dismissal an action is commenced which consists—

- (a) of the presentation by him of a complaint under Article 145(1) of the Employment Rights (Northern Ireland) Order 1996<sup>(1)</sup>;
- (b) of his making a claim in accordance with a dismissal procedures agreement designated by an order under Article 142 of that Order; or
- (c) of any action taken by a conciliation officer under Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996<sup>(2)</sup>.

(2) If, in consequence of an action of the kind specified in paragraph (1), a person is reinstated or re-engaged by his employer or by a successor or associated employer of that employer, the continuity of his employment shall be preserved for the purposes of Part XIIZA or, as the case may be, Part XIIZB of the Act and any week which falls 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 his period of continuous employment.

(3) In this regulation—

“successor” and “dismissal procedures agreement” have the same meanings as in Article 2 of the Employment Rights (Northern Ireland) Order 1996; and

“associated employer” shall be construed in accordance with Article 4 of the Employment Rights (Northern Ireland) Order 1996.

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

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