

1983 No. 1160

TERMS AND CONDITIONS OF EMPLOYMENT

**The Redundancy Payments (Local Government) (Modification)
Order 1983**

Laid before Parliament in draft

Made - - - - - 28th July 1983

*Coming into Operation on the fourteenth day
after the day on which it is made*

Whereas a draft of the following Order was laid before Parliament in accordance with section 149(4) of the Employment Protection (Consolidation) Act 1978(a) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State in exercise of the powers conferred on him by sections 149(1)(b) and 154(3) of the 1978 Act and of all other powers enabling him 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) (Modification) Order 1983 and shall come into operation on the fourteenth day after the day on which it is made.

(2) In this Order, unless the context otherwise requires—

- (a) “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 1978 Act;
- (b) “the 1978 Act” means the Employment Protection (Consolidation) Act 1978.

Application of order

2. This Order applies to any person who immediately before the occurrence of the relevant event is employed by an employer described in Schedule 1 to this Order, for the purposes of determining that person’s entitlement to a redundancy payment under the 1978 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 the 1978 Act mentioned in Schedule 2 to this Order shall have effect subject to the modifications specified in that Schedule.

Transitional, supplementary and incidental provisions

4.—(1) Any reference to the 1978 Act in any enactment shall have effect as a reference to that Act as modified by this Order in relation to persons to whom this Order applies.

(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, 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 1978 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.

28th July 1983.

N. B. Tebbit,
Secretary of State for Employment.

Article 2 SCHEDULE 1

EMPLOYMENT TO WHICH THIS ORDER APPLIES: EMPLOYERS IMMEDIATELY BEFORE THE RELEVANT EVENT.

1. A county council, the Greater London Council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly.

2. A regional council, islands council or district council established by or under the Local Government (Scotland) Act 1973(a).

3. A joint board or joint body constituted by or under any enactment for the purpose of exercising the functions of two or more bodies described in paragraph 1 or 2 above, and any special planning board within the meaning of paragraph 3 of Schedule 17 to the Local Government Act 1972(b).

4. Any other authority or body, not specified in paragraph 1, 2 or 3 above, established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in paragraph 1, 2 or 3 above.

5. Any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in paragraph 1, 2, 3 or 4 above.

6. Any two or more bodies described in paragraph 1, 2, 3, 4 or 5 above acting jointly or as a combined authority.

7. Any association which is representative of any two or more authorities described in paragraph 1 or 2 above.

8. Any committee established by one or more of the associations described in paragraph 7 above for the purpose of exercising the functions of, or advising, one or more of such associations.

9. An association which is representative of one or more of the associations described in paragraph 7 above and of another body or other bodies, and included in whose objects is the assembling and dissemination of information and advising with regard to conditions of service generally and in local government service.

10. An organisation which is representative of an association or associations described in paragraph 7 above and employees' organisations and among

(a) 1973 c. 65.

(b) 1972 c. 70.

whose objects is the negotiation of pay and conditions of service in local government service.

11. The Local Government Training Board.
12. A probation committee within the meaning of the Criminal Justice Act 1982(a).
13. A magistrates' courts committee or the Committee of Magistrates for the Inner London Area, within the meaning of the Justices of the Peace Act 1979(b).
14. The Commission for the New Towns.
15. The Housing Corporation.
16. A development corporation within the meaning of the New Towns Act 1981(c).
17. A development corporation established under section 2 of the New Towns (Scotland) Act 1968(d).
18. A Passenger Transport Executive established under section 9(1) of the Transport Act 1968(e).
19. An Urban Development Corporation established under section 135 of the Local Government Planning and Land Act 1980(f).
20. The English Industrial Estates Corporation established by section 8 of the Local Employment Act 1960(g).
21. The Welsh Development Agency.
22. The Development Board for Rural Wales.

(a) 1982 c. 48. (b) 1979 c. 55. (c) 1981 c. 64.
(d) 1968 c. 16. (e) 1968 c. 73. (f) 1980 c. 65.
(g) 1960 c. 18.

- 23.** The Scottish Development Agency.
- 24.** The Scottish Special Housing Association.
- 25.** A fire authority constituted by a combination scheme, or in Scotland an administration scheme, made under the Fire Services Act 1947(a).
- 26.** A police authority, other than the Secretary of State, or a combined police authority within the meaning of the Police Act 1964(b) or the Police (Scotland) Act 1967(c), as amended by section 146 of the Local Government (Scotland) Act 1973(d).
- 27.** The Central Scotland Water Development Board.
- 28.** A river purification board established under section 135 of the Local Government (Scotland) Act 1973.
- 29.** The governing body of a further education establishment for the time being mainly dependent for its maintenance on assistance from local education authorities, on grants under section 100(1)(b) of the Education Act 1944(e) or on such assistance and grants taken together.
- 30.** The governing body of a voluntary school (within the meaning of section 9(2) of the Education Act 1944).
- 31.** The proprietors (within the meaning of section 114(1) of the Education Act 1944) of a school for the time being recognised as a grammar school for the purposes of Regulation 4(1) of the Direct Grant Schools Regulations 1959(f), being a school—
- (a) in relation to which, before 1st January 1976, the Secretary of State was satisfied as mentioned in Regulation 3(1) of the Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975(g), and
 - (b) In the case of which grants are paid under the said Regulations of 1959 for the educational year (within the meaning of those Regulations) within which the relevant event falls either—
 - (i) in respect of pupils admitted in that year, or
 - (ii) if, on or after the coming into operation of this Order, Regulation

(a) 1947 c. 41.

(b) 1964 c. 48.

(c) 1967 c. 77.

(d) 1973 c. 65.

(e) 1944 c. 31.

(f) S.I. 1959/1832; relevant modifications are made by S.I. 1975/1198.

(g) S.I. 1975/1198; the relevant amending instrument is S.I. 1981/1788.

5 of the said Regulations of 1975 applies to the school by virtue of paragraph (3) thereof, in respect of any pupils.

32. The managers of a grant-aided school as defined in section 135(1) of the Education (Scotland) Act 1980(a).

33. The governing body of a central institution as defined in section 135(1) of the Education (Scotland) Act 1980 other than a college of agriculture.

34. The governing body of a College of Education as defined in section 135(1) of the Education (Scotland) Act 1980.

35. The managers of a school which immediately before the commencement of Part III of the Social Work (Scotland) Act 1968(b) was approved under section 83 of the Children and Young Persons (Scotland) Act 1937(c) if that approval remains in force at the date of termination of employment.

36. A local valuation panel established under the General Rate Act 1967(d).

37. The Sports Council.

38. The Sports Council for Wales.

39. The Scottish Sports Council.

40. The Forth Road Bridge Joint Board.

41. The Tay Road Bridge Joint Board.

42. The Commission for Local Administration in England.

43. The Commission for Local Administration in Wales.

44. The Commissioner for Local Administration in Scotland.

45. The Commission for Local Authority Accounts in Scotland.

46. The Land Authority for Wales.

(a) 1980 c. 44.
(d) 1967 c. 9.

(b) 1968 c. 49.

(c) 1937 c. 37.

Article 3

SCHEDULE 2

MODIFICATIONS TO CERTAIN REDUNDANCY PAYMENTS PROVISIONS OF THE 1978 ACT

1. Section 81 of the 1978 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 for the words “Schedules 4, 13 and 14” there were substituted the words “Schedule 4, as modified by the Redundancy Payments (Local Government) (Modification) Order 1983, and Schedules 13 and 14”;

(b) after subsection (4) there were inserted the following subsection:—

“(5) In this section and Schedule 4—

(a) “relevant local government service” means—

(i) continuous employment by an employer referred to in the Appendix to Schedule 2 to the Redundancy Payments (Local Government) (Modification) Order 1983, or

(ii) where immediately before the relevant event a person has been successively employed by two or more employers referred to in the Appendix to Schedule 2 to the said Order, 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) (Modification) Order 1983 on the happening of which an employee may become entitled to a redundancy payment in accordance with this Act.”

2. Section 82 of the 1978 Act shall have effect as if immediately after subsection (7) there were inserted:—

“(7A) 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 the Appendix to Schedule 2 to the Redundancy Payments (Local Government) (Modification) Order 1983 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 84 of the 1978 Act shall have effect as if immediately after subsection (7) thereof there were inserted the following subsection:—

“(7A) 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 the Appendix to Schedule 2 to the Redundancy Payments (Local Government) (Modification) Order 1983 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. Section 94(6) of the 1978 Act shall have effect as if for the words “Section 82(7) and 84(7)” there were substituted the words “Sections 82(7), 82(7A), 84(7) and 84(7A).”

5. Schedule 4 to the 1978 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) (Modification) Order 1983 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.”

6. Schedule 6 to the 1978 Act shall have effect as if in paragraph 1 for the words “Schedule 4” there were substituted the words “Schedule 4 as modified by the Redundancy Payments (Local Government) (Modification) Order 1983”.

APPENDIX

EMPLOYERS WITH WHICH EMPLOYMENT MAY CONSTITUTE RELEVANT LOCAL GOVERNMENT SERVICE

1. Any employer described in Schedule 1 whether or not in existence at the time of the relevant event.
2. The council of an administrative county, county borough, metropolitan borough or county district.
3. The council of a county, county of a city, large burgh, small burgh or district ceasing to exist after 15 May 1975.
4. Any joint board or joint body constituted by or under any enactment for the purpose of exercising the functions of two or more of the bodies described in paragraph 2 or 3 above.
5. Any other body, not specified in paragraph 2, 3 or 4 above, established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in paragraph 2, 3 or 4 above.
6. Any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies described in paragraph 2, 3, 4 or 5 above.

7. Any two or more bodies described in paragraph 2, 3, 4, 5 or 6 above acting jointly or as a combined authority.

8. Any association which was representative of any two or more bodies described in paragraph 2 or 3 above.

9. Any committee established by one or more of the associations described in paragraph 8 above for the purpose of exercising the functions of, or advising, one or more of such associations.

10. An organisation which was representative of an association or association described in paragraph 8 above and employees' organisations and among whose objects was to negotiate pay and conditions of service in local government service.

11. A local valuation panel constituted under the Local Government Act 1948(a).

12. A previous police authority for which Schedule 11 to the Police Act 1964 had effect or which was the police authority for an area or district which was before 1st April 1947 or after 31 March 1946 a separate police area or, in Scotland, a previous police authority for an area which was before 16 May 1975 a separate or combined police area.

13. The proprietors (within the meaning of section 114(1) of the Education Act 1944) of a school not falling within paragraph 31 of Schedule I which throughout the period of employment was recognised as a grammar school or, as the case may be, as a direct grant grammar school for the purposes of Regulation 4(1) of the Direct Grant Schools Regulations 1959, of Part IV of the Schools Grant Regulations 1951(b) or of Part IV of the Primary and Secondary Schools (Grant Conditions) Regulations 1945(c).

14. The managers of a school which during the period of employment was approved under section 83 of the Children and Young Persons (Scotland) Act 1937.

15. The managers of a school which during the period of employment was a grant-aided school within the meaning of section 143(1) of the Education (Scotland) Act 1946(d), section 145(22) of the Education (Scotland) Act 1962(e) or section 135(1) of the Education (Scotland) Act 1980.

(a) 1948 c. 26.
(d) 1946 c. 72.

(b) S.I. 1951/1743.
(e) 1962 c. 47.

(c) S.R.&O. 1945/636.

16. The Secretary of State for Defence in relation only to employees in schools administered by the Service Children's Education Authority.

17. A regional water board established under section 5 of the Water (Scotland) Act 1967(a).

18. A river purification board established under section 2 of the Rivers (Prevention of Pollution) (Scotland) Act 1951(b).

19. The Scottish Industrial Estates Corporation (formerly the Industrial Estates Management Corporation for Scotland) established by section 8 of the Local Employment Act 1960.

20. The Welsh Industrial Estates Corporation (formerly the Industrial Estates Management Corporation for Wales) established by section 8 of the Local Employment Act 1960.

21. The Small Industries Council for Rural Areas of Scotland, being a company which was registered under the Companies Act and dissolved by section 15(5) of the Scottish Development Agency Act 1975(c).

22. A person or body of persons responsible for the management of an assisted community home within the meaning of section 36 of the Children and Young Persons Act 1969(d) or of an approved institution within the meaning of section 46 of that Act.

23. A development Corporation within the meaning of the New Towns Act 1946(e) or the New Towns Act 1965(f).

(a) 1967 c. 78.
(d) 1969 c. 54.

(b) 1951 c. 66.
(e) 1946 c. 68.

(c) 1975 c. 69.
(f) 1965 c. 59.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on the fourteenth day after the day on which it is made, modifies certain redundancy payments provisions of the Employment Protection (Consolidation) Act 1978 in their application to persons employed in relevant local government service (service with the employers referred to in the Appendix to Schedule 2 to the Order) so that their employment in the service is to be treated as if it was continuous for the purposes of those provisions.

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