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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 409**

**EMPLOYMENT**

**Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order (Northern Ireland) 1999**

*Made* - - - - *4th October 1999*  
*Coming into operation* *7th November 1999*

The Department of Economic Development, in exercise of the powers conferred on it by Articles 250(1)(b) and 251(6) of the Employment Rights (Northern Ireland) Order 1996(1) and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order (Northern Ireland) 1999 and shall come into operation on 7th November 1999.

(2) In this Order—

“the 1986 Order” means the Redundancy Payments (Local Government, etc.) (Modification) Order (Northern Ireland) 1986(2);

“the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996;

“relevant event” in relation to a person means any event occurring on or after the day on which this Order comes into operation on the happening of which that person may become entitled to a redundancy payment in accordance with the 1996 Order.

**Application of this Order**

2. This Order applies to any person who immediately before the occurrence of the relevant event is employed by an employer specified in Schedule 1.

**Modification of certain redundancy payment provisions**

3. In relation to any person to whom this Order applies, the provisions of the 1996 Order mentioned in Part I of Schedule 2 shall, for the purposes of determining that person’s entitlement to

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(1) [S.I. 1996/1919 \(N.I. 16\)](#)

(2) [S.R. 1986 No. 206](#) as amended by [S.R. 1987 No. 28](#), [S.R. 1994 No. 9](#) and [S.R. 1994 No. 148](#)

a redundancy payment under the 1996 Order and the amount of such payment, have effect subject to the modifications specified in that Part.

#### **Revocations**

4. The Orders specified in Schedule 3 are hereby revoked.

#### **Transitional, supplementary and incidental provision**

- 5.—(1) In relation to a person to whom this Order applies—
  - (a) any reference to the 1996 Order in any statutory provision shall have effect as a reference to that Order as modified by this Order; and
  - (b) any document which refers, whether specifically or by means of a general description, to the 1996 Order shall, except so far as the context otherwise requires, be construed as referring to that Order as modified by this Order.

(2) Where a period of employment of a person to whom this Order applies falls to be computed in accordance with the provisions of the 1996 Order as modified by this Order, the provisions of this Order shall have effect in relation to that calculation whether the period in question falls wholly or partly before or wholly after this Order comes into operation.

(3) Notwithstanding the revocation by Article 4 of the Orders specified in Schedule 3, in relation to determining any person's entitlement to a redundancy payment following an event which occurred before the date on which this Order comes into operation and which would have been a relevant event if it had occurred on or after the date, the 1986 Order shall continue to have effect as it had effect on the date of that event.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

4th October 1999.

*R. B. Gamble*  
Assistant Secretary

## SCHEDULE 1

Article 2

### Employers for the purposes of Article 2

#### Local Government

1. A district council.
2. Any association which is representative of any two or more district councils.
3. The Northern Ireland Local Government Officers' Superannuation Committee.
4. The Local Government Staff Commission for Northern Ireland.

#### Planning and development

5. The Northern Ireland Housing Executive.
6. A New Town Commission established under the New Towns Act (Northern Ireland) 1965<sup>(3)</sup>.
7. Laganside Corporation established under the Laganside Development (Northern Ireland) Order 1989<sup>(4)</sup>.

#### Public transport

8. Citybus Limited.
9. Ulsterbus Limited.
10. Flexibus Limited.
11. The Northern Ireland Railways Company Limited.
12. The Northern Ireland Transport Holding Company.

#### Police, fire and criminal justice

13. The Fire Authority for Northern Ireland.
14. The Probation Board for Northern Ireland.
15. The Police Authority for Northern Ireland.
16. The Independent Commission for Police Complaints for Northern Ireland.
17. The management of a juvenile justice centre provided under Article 51 of the Criminal Justice (Children) (Northern Ireland) Order 1998<sup>(5)</sup>.
18. The Juvenile Justice Board.

#### Education

19. An education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986<sup>(6)</sup>.
20. The managers of—
  - (a) a voluntary school;

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<sup>(3)</sup> 1965 c. 13 (N.I.)

<sup>(4)</sup> S.I. 1989/490 (N.I. 2)

<sup>(5)</sup> S.I. 1998/1504 (N.I. 9)

<sup>(6)</sup> S.I. 1986/594 (N.I. 3)

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- (b) a grant-maintained integrated school; or
- (c) a college of education,

within the meaning of the Education and Libraries (Northern Ireland) Order 1986.

- 21. The Staff Commission for Education and Library Boards.
- 22. The Council for Catholic Maintained Schools.
- 23. The Northern Ireland Council for the Curriculum, Examinations and Assessment.
- 24. The Northern Ireland Council for Integrated Education.
- 25. The governing body of an institution of further education within the meaning of the Further Education (Northern Ireland) Order 1997(7).

**Agriculture, fisheries and food**

- 26. The Northern Ireland Fishery Harbour Authority.
- 27. The Agricultural Research Institute of Northern Ireland.
- 28. The Fisheries Conservancy Board for Northern Ireland.
- 29. The Livestock and Meat Commission for Northern Ireland.

**Museums, etc.**

- 30. The Northern Ireland Museums Council.
- 31. The Board of Trustees of the National Museums and Galleries of Northern Ireland.
- 32. The Governors of the Armagh Observatory and Planetarium.

**Miscellaneous bodies**

- 33. The Arts Council of Northern Ireland.
- 34. The Youth Council for Northern Ireland.
- 35. The Sports Council for Northern Ireland.
- 36. The General Consumer Council for Northern Ireland.
- 37. The Northern Ireland Tourist Board.
- 38. The Labour Relations Agency.
- 39. The Equality Commission for Northern Ireland.

## SCHEDULE 2

Article 3

### Part I

#### **Modifications to certain redundancy payments provisions of the 1996 Order**

1. Article 181 of the 1996 Order shall have effect as if immediately after paragraph (1) there were inserted—

“(1A) The reference in paragraph (1) to re-engagement by the employer includes a reference to re-engagement by an employer referred to in Part II of Schedule 2 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order (Northern Ireland) 1999 and the reference in paragraph (1) to an offer made by the employer includes a reference to an offer made by any such employer.”.

2. Article 190 of the 1996 Order shall have effect as if—

- (a) for the words “continuously employed” there were substituted the words “employed in relevant service”;
- (b) the provision of that Article modified as provided in sub-paragraph (a) were paragraph (1) of that Article; and
- (c) after that paragraph there shall be inserted the following paragraphs—

“(2) In paragraph (1) “relevant service” means—

- (a) continuous employment by an employer referred to in Part II of Schedule 2 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order (Northern Ireland) 1999 (“the 1999 Order”); or
- (b) where immediately before the relevant event a person has been successively employed by two or more employers referred to in Part II of that Schedule, such aggregate period of service with such employers as would be continuous employment if they were a single employer.

(3) In paragraph (2)(b) “relevant event” has the same meaning as in the 1999 Order.”.

3. Article 197 of the 1996 Order shall have effect as if—

- (a) for the words “continuously employed” in paragraph (1)(a) there were substituted the words “employed in relevant service”; and
- (b) after paragraph (1) there were inserted the following paragraphs—

“(1A) In paragraph (1)(a) “relevant service” means—

- (a) continuous employment by an employer referred to in Part II of Schedule 2 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order (Northern Ireland) 1999 (“the 1999 Order”); or
- (b) where immediately before the relevant event a person has been successively employed by two or more employers referred to in Part II of that Schedule, such aggregate period of service with such employers as would be continuous employment if they were a single employer.

(1B) In paragraph (1A)(b) “relevant event” has the same meaning as in the 1999 Order.”.

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## Part II

### **Employers with whom employment may constitute relevant service**

1. Any employer described in Schedule 1 whether or not in existence at the time of the relevant event.

#### **Local Government**

2. The council of any county, county borough or other borough, or rural district, or the commissioners of any town not being an urban district or the Belfast City and District Water Commissioners, a local authority in their capacity as a public authority for the purposes of any statutory provision, a committee of a local authority, or a joint board or joint committee of more than one authority.

#### **Planning and development**

3. The Northern Ireland Housing Trust.

#### **Education**

4. A former local education authority as was defined by the Education and Libraries (Northern Ireland) Order 1972<sup>(8)</sup>.

5. The Northern Ireland Schools Examination and Assessment Council.

6. The Northern Ireland Schools Examination Council.

7. The Northern Ireland Curriculum Council.

8. The Trustees of the Northern Ireland Council for Educational Research.

#### **Public transport**

9. The Ulster Transport Authority.

#### **Police, fire and criminal justice**

10. The Police Complaints Board for Northern Ireland.

11. The Management of a Training School which was either approved under section 137 of, or set up under section 138 of, the Children and Young Persons Act (Northern Ireland) 1968<sup>(9)</sup>.

12. The Rathgael and Whiteabbey Schools Management Board.

13. The Lisnevin Board of Management.

#### **Agriculture, fisheries and food**

14. The Milk Marketing Board for Northern Ireland.

15. The Seed Potato Marketing Board for Northern Ireland.

#### **Museums, etc**

16. The Trustees of the Ulster Museum.

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<sup>(8)</sup> S.I. 1972/1263 (N.I. 12)

<sup>(9)</sup> 1968 c. 34 (N.I.)

17. The Trustees of the Ulster Folk and Transport Museum.
18. The Trustees of the Ulster American Folk Park.

#### **Miscellaneous bodies**

19. The Central Council for Physical Recreation, Northern Ireland Region.
20. The Arts Council of Northern Ireland 1994.
21. The Equal Opportunities Commission for Northern Ireland.
22. The Fair Employment Commission for Northern Ireland.
23. The Commission for Racial Equality for Northern Ireland.

### SCHEDULE 3

Article 4

#### **Revocations**

(1) <i>Orders Revoked</i>	(2) <i>References</i>
The Redundancy Payments (Local Government, etc) (Modification) Order (Northern Ireland) 1986	<a href="#">S.R. 1986 No. 206</a>
The Redundancy Payments (Local Government, etc) (Modification) (Amendment) Order (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 28</a>
The Redundancy Payments (Local Government, etc) (Modification) (Amendment) Order (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 9</a>
The Redundancy Payments (Local Government, etc) (Modification) (Amendment) (No. 2) Order (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 148</a>

#### **EXPLANATORY NOTE**

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

This Order which comes into operation on 7th November 1999, revokes the Redundancy Payments (Local Government, etc.) (Modification) Order (Northern Ireland) 1986 and the subsequent Orders which amended it, and consolidates their provisions, with further amendments, into a single Order.

The Order modifies certain provisions of the Employment Rights (Northern Ireland) Order 1996 concerning redundancy payments, in their application to persons employed by certain local government employers or certain other employers in the public sector. The modifications have the

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effect that the employment of such a person by more than one such employer may be treated as if it were continuous for the purpose of those provisions; and re-engagement of such a person, or an offer of re-engagement made to such a person, by any such employer is treated as if it were re-engagement, or as if the offer had been made, by that person's employer.

In addition to consolidating the provisions of the revoked Orders with drafting amendments, the Order incorporates adjustments to the lists of employers concerned.