

2010 No. 903

TERMS AND CONDITIONS OF EMPLOYMENT

The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order (Amendment) Order 2010

<i>Made</i>	- - - -	<i>22nd March 2010</i>
<i>Laid before Parliament</i>		<i>24th March 2010</i>
<i>Coming into force</i>	- -	<i>15th April 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 209(1)(b) and 236 of the Employment Rights Act 1996(a), 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 (Amendment) Order 2010 and shall come in force on 15th April 2010.

(2) In this Order, “the principal Order” means the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(b).

Amendments to Schedule 1 to the principal Order

2. Schedule 1 to the principal Order (employment to which this Order applies: employers immediately before the relevant event) is amended in accordance with articles 3 to 9.

3. In section 1 (local government)(c)—

(a) after paragraph 13 insert—

“**13A.** A National Park Authority established under sections 6 to 8 of the National Parks (Scotland) Act 2000(d).”;

(b) for paragraph 16 substitute—

“**16.** Audit Scotland(e).”;

(a) 1996 c.18.

(b) S.I. 1999/2277: relevant amendments are made by S.I. 2001/866, S.I. 2002/532 and S.I. 2004/1682.

(c) Amended by S.I. 2000/1042.

(d) 2000 asp 10.

(e) Audit Scotland was established under section 10 of, and Schedule 2, to the Public Finance and Accountability (Scotland) Act 2000 asp 1.

- (c) after paragraph 22 add—
- “**23.** Improvement Service Company(**a**).”.
4. In section 2 (planning and development)(**b**)—
- (a) after paragraph 41 insert—
- “**41A.** Olympic Park Legacy Company Limited(**c**).”; and
- (b) after paragraph 51 insert—
- “**51A.** City Building (Glasgow) LLP(**d**).”.
5. In section 3 (education), for paragraph 32 substitute—
- “**32.** Shetland Arts Development Agency(**e**).”.
6. In section 6 (police, fire and civil defence)(**f**), after paragraph 3 add—
- “**4.** A company the members of which comprise fire and rescue authorities(**g**) in England and whose objects include the operation of a regional fire control centre.”.
7. In section 8 (social services)(**h**), after paragraph 1 insert—
- “**1ZA.** Essex Cares Limited(**i**).
1ZB. Essex Community Support Limited (**j**).
1ZC. Essex Employment and Inclusion Limited(**k**).
1ZD. Essex Equipment Services Limited(**l**).”.
8. In section 9 (museums), after paragraph 7 add—
- “**8.** Woodhorn Charitable Trust(**m**).”.
9. In section 10 (miscellaneous bodies)(**n**)—
- (a) after paragraph 5A insert—
- “**5B.** A community justice authority under section 3 of the Management of Offenders (Scotland) Act 2005(**o**).
5C. Active Stirling Limited(**p**).”.

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- (a) Improvement Service Company is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number SC287978.
- (b) Amended by S.I. 2001/866, S.I. 2002/532, 2004/1682, S.I. 2005/3226 and S.I.2008/2831.
- (c) Olympic Park Legacy Company Limited is a private company limited by guarantee with no share capital registered under company number 06900359.
- (d) City Building (Glasgow) LLP is a limited liability partnership registered under company number SO300990.
- (e) Shetland Arts Development Agency is a charity registered in the Scottish Charity Register under charity number SCO37082
- (f) Relevant amending instruments are S.I. 2004/3168 and S.I. 2005/2929.
- (g) For the definition of a fire and rescue authority see section 1 of the Fire and Rescue Services Act 2004 c. 21.
- (h) Amended by S.I. 2001/866, 2002/532 and S.I. 2004/1682.
- (i) Essex Cares Limited is a private limited company registered under company number 06723149.
- (j) Essex Community Support Limited is a private limited company registered under company number 06725268.
- (k) Essex Employment and Inclusion Limited is a private limited company registered under company number 06725306.
- (l) Essex Equipment Services Limited is a private limited company registered under company number 06725227.
- (m) Woodhorn Charitable Trust is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number 06893854.
- (n) Amended by S.I. 2002/532, S.I. 2004/664, S.I. 2004/1682, S.I. 2008/912, S.I. 2008/2250 and S.I. 2009/462.
- (o) 2005 asp 14.
- (p) Active Stirling Limited is a private company limited by guarantee with no share capital registered under company number SC298585.

- 5D.** Ardroy Outdoor Learning Trust(**a**).
- 5E.** Arts and Theatres Trust Fife Limited(**b**).”;
- (b) after paragraph 6C insert—
- “**6D.** City Markets (Glasgow) LLP(**c**).
- 6E.** City Parking (Glasgow) LLP(**d**).
- 6F.** City Property (Glasgow) LLP(**e**).”;
- (c) after paragraph 8 insert—
- “**8AA.** Cordia (Services) LLP(**f**).”;
- (d) after paragraph 8B insert—
- “**8C.** Culture and Sport Glasgow(**g**).
- 8D.** Culture and Sport Glasgow (Trading) C.I.C.(**h**).”;
- (e) after paragraph 9AA insert—
- “**9B.** Enjoy East Lothian Limited(**i**).”;
- (f) after paragraph 10 insert—
- “**10A.** Fife Coast and Countryside Trust(**j**).
- 10B.** Fife Sports and Leisure Trust Limited(**k**).
- 10C.** Forth Valley GIS Limited(**l**).
- 10D.** Glasgow Community and Safety Services Limited(**m**).”;
- (g) after paragraph 19 insert—
- “**19ZA.** North Lanarkshire Leisure Limited(**n**).
- 19ZB.** Nuneaton and Bedworth Leisure Trust(**o**).”;
- (h) after paragraph 19A insert—

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- (a) Ardroy Outdoor Learning Trust is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number SC352951.
- (b) Arts and Theatres Trust Fife Limited is a private company limited by guarantee with no share capital registered under company number SC320976.
- (c) City Markets (Glasgow) LLP is a limited liability partnership registered under company number SO301801.
- (d) City Parking (Glasgow) LLP is a limited liability partnership registered under company number SO301266.
- (e) City Property (Glasgow) LLP is a limited liability partnership registered under company number SO302223.
- (f) Cordia (Services) LLP is a limited liability partnership registered under company number SO302144.
- (g) Culture and Sport Glasgow is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number SC313851.
- (h) Culture and Sport Glasgow (Trading) C.I.C. is a Community Interest Company registered under company number SC313850.
- (i) Enjoy East Lothian Limited is a private company limited by guarantee with no share capital registered under company number SC356338.
- (j) Fife Coast and Countryside Trust is a private company limited by guarantee with no share capital registered under company number SC216254.
- (k) Fife Sports and Leisure Trust Limited is a private company limited by guarantee with no share capital registered under company number SC336004.
- (l) Forth Valley GIS Limited is a private limited company registered under company number SC315349.
- (m) Glasgow Community and Safety Services Limited is a private company limited by guarantee with no share capital registered under company number SC130604.
- (n) North Lanarkshire Leisure Limited is a private company limited by guarantee with no share capital registered under company number SC303391.
- (o) Nuneaton and Bedworth Leisure Trust is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number 04955172.

- “**19AA.** Pendle Leisure Limited **(a).**”;
- (i) after paragraph 19C insert—
- “**19CA.** Sandwell Arts Trust **(b).**”;
- (j) after paragraph 22A insert—
- “**22B.** Somerset Leisure Limited **(c).**”; and
- (k) after paragraph 23 insert—
- “**23A.** Sport Aberdeen**(d).**”.

Amendments to Schedule 2 to the principal Order

10. Part 2 of Schedule 2 to the principal Order (employers with whom employment may constitute relevant service) is amended in accordance with articles 10 and 11.

11. In section 2 (local government), after paragraph 14 add—

“**15.** The Accounts Commission for Scotland**(e).**”.

12. In section 4 (education), after paragraph 19 insert—

“**19A.** Shetland Arts Trust**(f).**”.

13. In section 9 (miscellaneous)**(g)**, after paragraph 7 insert—

“**7A.** The Traffic Director for London**(h).**”.

Signed by authority of the Secretary of State for Communities and Local Government

22nd March 2010

Barbara Follett
Parliamentary Under Secretary of State
Department for Communities and Local Government

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- (a) Pendle Leisure Limited is an Industrial and Provident Society registered under the Industrial and Provident Act 1965 under number IP29131R.
- (b) Sandwell Arts Trust is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number 06940284.
- (c) Somerset Leisure Limited is a private company limited by guarantee with no share capital registered under company number 06727055.
- (d) Sport Aberdeen is a private company limited by guarantee with no share capital (with use of “Limited” exemption) registered under company number SC350981.
- (e) The Accounts Commission for Scotland (formerly the Commission for Local Authority Accounts in Scotland) was established by section 97 of the Local Government (Scotland) Act 1973. c. 65. Its staff were transferred to Audit Scotland by virtue of Schedule 2 to the Public Finance and Accountability (Scotland) Act 2000 asp 1.
- (f) Shetland Arts Trust was a charity registered in the Scottish Charity Register under charity number SCO03098. It was wound up in 2006 and its assets transferred to the Shetland Arts Development Agency.
- (g) Amended by S.I. 2004/1682
- (h) The Traffic Director for London was a corporation sole established by section 52 of, and Schedule 5 to the Road Traffic Act 1991 c.40. Section 52 and Schedule 5 were repealed with savings by section 294 of the Greater London Authority Act 1999 c. 29.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Redundancy Payments (Continuity of Employment in Local Government, etc.)(Modification) Order 1999 (“the principal Order”).

Part 1 of Schedule 2 to the principal Order modifies sections 146, 155 and 162 of the Employment Rights Act 1996 (“the 1996 Act”). These sections concern entitlement to redundancy payments under the 1996 Act. Section 146 of the 1996 Act is modified so that, when the principal Order applies, the references in sections 138 and 141 of the 1996 Act to re-engagement by an employer or an offer from an employer include re-engagement or an offer from any employer specified in Part 2 of Schedule 2 to the principal Order. Sections 155 and 162 of the 1996 Act are amended so that, when the principal Order applies, the phrase “continuously employed” in those sections is substituted by “employed in relevant service”. “Relevant service” is defined in those sections as continuous employment with one, or successive employment with two or more, employers specified in Part 2 of Schedule 2 to the principal Order. The principal Order applies to any person who immediately before the occurrence of a relevant event is employed by an employer in Schedule 1 to the principal Order. A “relevant event” is defined as any event by which a person may become entitled to a redundancy payment under the 1996 Act. Any employer specified in Schedule 1 to the principal Order is also specified in Part 2 of Schedule 2 to the principal Order.

Articles 3 to 9 amend Schedule 1 to the principal Order. Three new employers are added to section 1 (local government); the Accounts Commission for Scotland is substituted by Audit Scotland; two new employers are added to section 2 (planning and development); in section 3 (education) Shetland Arts Trust is substituted by the Shetland Arts and Development Agency; one new employer is added to section 6 (police, fire and civil defence); Four new employers are added to section 8 (social services); one new employer is added to section 9 (museums) and twenty-one new employers are added to section 10 (miscellaneous bodies);

Articles 11 to 13 amend Part 2 of Schedule 2 to the principal Order. The Accounts Commission for Scotland is added to section 2 (local government). Shetland Arts Trust is added to section 4 (education), and the Office of the Traffic Director for London is added to section 9 (miscellaneous).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Department for Communities and Local Government website (<http://www.communities.gov.uk>) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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