
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XII

REDUNDANCY PAYMENTS ETC.

CHAPTER V

OTHER PROVISIONS ABOUT REDUNDANCY PAYMENTS

References to industrial tribunals

198.—(1) Any question arising under this Part as to—

- (a) the right of an employee to a redundancy payment, or
- (b) the amount of a redundancy payment,

shall be referred to and determined by an industrial tribunal.

(2) For the purposes of any such reference, an employee who has been dismissed by his employer shall, unless the contrary is proved, be presumed to have been so dismissed by reason of redundancy.

(3) Any question whether an employee will become entitled to a redundancy payment if he is not dismissed by his employer and he terminates his contract of employment as mentioned in Article 185(1) shall for the purposes of this Part be taken to be a question as to the right of the employee to a redundancy payment.

(4) Where an order under Article 192 is in force in respect of an agreement, this Article has effect in relation to any question arising under the agreement as to the right of an employee to a payment on the termination of his employment, or as to the amount of such a payment, as if the payment were a redundancy payment and the question arose under this Part.

[^{F1}(5) Where a tribunal determines under paragraph (1) that an employee has a right to a redundancy payment, it may order the employer to pay to the employee such amount as the tribunal considers appropriate in all the circumstances to compensate the employee for any financial loss sustained by him which is attributable to the non-payment of the redundancy payment.]

F1 Art. 198(5) inserted (3.8.2010) by [Employment Act \(Northern Ireland\) 2010 \(c. 12\), ss. 6\(2\), 8\(2\)](#) (with s. 6(3))

Status:

Point in time view as at 06/04/2021.

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996, Section 198 is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.