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STATUTORY INSTRUMENTS

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**2015 No. 916**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) (Amendment) Order 2015**

|                               |         |                        |
|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>25th March 2015</i> |
| <i>Laid before Parliament</i> |         | <i>27th March 2015</i> |
| <i>Coming into force</i>      | - -     | <i>1st July 2015</i>   |

The Secretary of State makes this Order in exercise of the powers conferred by sections 209(1)(b) and 236 of the Employment Rights Act 1996<sup>(1)</sup>.

**Citation and commencement**

1. This Order may be cited as the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) (Amendment) Order 2015 and comes into force on 1st July 2015.

**Amendments to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

2.—(1) In section 10 (miscellaneous bodies) of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (“the 1999 Order”), after paragraph 5B(2) insert—

“**5BA.** A person who performs a function of a local authority pursuant to a direction under section 497A(4) or (4A) of the Education Act (which confers power on the Secretary of State to secure the proper performance of local authority education functions, and is applied to social services functions relating to children by section 50 of the Children Act 2004 and to functions relating to childcare by section 15 of the Childcare Act 2006).”.

(2) In section 4 (education) of Part 2 (employers with whom employment may constitute relevant service) of Schedule 2 to the 1999 Order, omit paragraph 20(3).

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(1) 1996 c. 18. There are amendments to sections 209 and 236 but these are not relevant to this Order.  
(2) S.I. 1999/2277. Paragraph 5B in section 10 of Schedule 1 was inserted by S.I. 2010/903. There are other amendments to S.I. 1999/2277 but, save for the amendment described in footnote (c), these are not relevant to this Order.  
(3) Paragraph 20 of section 4 of Part 2 of Schedule 2 to S.I. 1999/2277 was inserted by S.I. 2001/866 and substituted by S.I. 2010/1172.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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25th March 2015

*Edward Timpson*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

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

The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (“the 1999 Order”) modifies certain provisions of the Employment Rights Act 1996 concerning redundancy payments to individuals employed by local authorities or certain other bodies. The effect of the modifications is that an individual’s service with a succession of employers is treated as continuous for the purpose of determining issues relating to redundancy payments.

This Order amends the 1999 Order by adding to the list of bodies set out in Schedule 1 to that Order. The new paragraph 5BA that is inserted into section 10 of Schedule 1 to the 1999 Order covers persons who perform functions of a local authority pursuant to a direction made by the Secretary of State under section 497A(4) or (4A) of the Education Act 1996 (“the Education Act”). The power to make directions under section 497A(4) or (4A) of the Education Act extends beyond education functions (within the meaning of the Education Act) to other functions of a local authority by virtue of section 50 of the Children Act 2004 and section 15 of the Childcare Act 2006. This Order also omits paragraph 20 of section 4 of Part 2 of Schedule 2 to the 1999 Order because that paragraph is subsumed within the new paragraph 5BA that is inserted into Schedule 1.

An impact assessment has not been produced for this instrument as it has no significant impact on businesses and civil society organisations. The instrument has no significant impact on the public sector.