
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART I

INTRODUCTORY AND INTERPRETATION

CHAPTER III

CONTINUOUS EMPLOYMENT

Special provisions for redundancy payments

10.—(1) This Article applies where a period of continuous employment has to be determined in relation to an employee for the purposes of the application of Article 190 or 197(1).

(2) The continuity of a period of employment is broken where—

- (a) a redundancy payment has previously been paid to the employee (whether in respect of dismissal or in respect of lay-off or short-time), and
- (b) the contract of employment under which the employee was employed was renewed (whether by the same or another employer) or the employee was re-engaged under a new contract of employment (whether by the same or another employer).

(3) The continuity of a period of employment is also broken where—

- (a) a payment has been made to the employee (whether in respect of the termination of his employment or lay-off or short-time) in accordance with a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 or arrangements falling within Article 212(3) or (4), and
- (b) he commenced new, or renewed, employment.

(4) The date on which the person's continuity of employment is broken by virtue of this Article—

- (a) if the employment was under a contract of employment, is the date which was the relevant date in relation to the payment mentioned in paragraph (2)(a) or (3)(a), and
- (b) if the employment was otherwise than under a contract of employment, is the date which would have been the relevant date in relation to the payment mentioned in paragraph (2)(a) or (3)(a) had the employment been under a contract of employment.

(5) For the purposes of this Article a redundancy payment shall be treated as having been paid if—

- (a) the whole of the payment has been paid to the employee by the employer,
- (b) a tribunal has determined liability and found that the employer must pay part (but not all) of the redundancy payment and the employer has paid that part, or
- (c) the Department has paid a sum to the employee in respect of the redundancy payment under Article 202.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996, Section 10 is up to date with all changes known to be in force on or before 06 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.