
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XII

REDUNDANCY PAYMENTS ETC.

CHAPTER III

RIGHT BY REASON OF LAY-OFF OR SHORT-TIME

Exclusions

Resignation

185.—(1) An employee is not entitled to a redundancy payment by reason of being laid off or kept on short-time unless he terminates his contract of employment by giving such period of notice as is required for the purposes of this Article before the end of the relevant period.

(2) The period of notice required for the purposes of this Article—

- (a) where the employee is required by his contract of employment to give more than one week's notice to terminate the contract, is the minimum period which he is required to give, and
- (b) otherwise, is one week.

(3) In paragraph (1) “the relevant period”—

- (a) if the employer does not give a counter-notice within seven days after the service of the notice of intention to claim, is three weeks after the end of those seven days,
- (b) if the employer gives a counter-notice within that period of seven days but withdraws it by a subsequent notice in writing, is three weeks after the service of the notice of withdrawal, and
- (c) if—
 - (i) the employer gives a counter-notice within that period of seven days, and does not so withdraw it, and
 - (ii) a question as to the right of the employee to a redundancy payment in pursuance of the notice of intention to claim is referred to an industrial tribunal,is three weeks after the tribunal has notified to the employee its decision on that reference.

(4) For the purposes of paragraph (3)(c) no account shall be taken of—

- (a) any appeal against the decision of the tribunal, or
- (b) any proceedings or decision in consequence of any such appeal.