
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XII

REDUNDANCY PAYMENTS ETC.

CHAPTER V

OTHER PROVISIONS ABOUT REDUNDANCY PAYMENTS

Claims for redundancy payment

199.—(1) An employee does not have any right to a redundancy payment unless, before the end of the period of six months beginning with the relevant date—

- (a) the payment has been agreed and paid,
- (b) the employee has made a claim for the payment by notice in writing given to the employer,
- (c) a question as to the employee's right to, or the amount of, the payment has been referred to an industrial tribunal, or
- (d) a complaint relating to his dismissal has been presented by the employee under Article 145.

(2) An employee is not deprived of his right to a redundancy payment by paragraph (1) if, during the period of six months immediately following the period mentioned in that paragraph, the employee—

- (a) makes a claim for the payment by notice in writing given to the employer,
- (b) refers to an industrial tribunal a question as to his right to, or the amount of, the payment, or
- (c) presents a complaint relating to his dismissal under Article 145,

and it appears to the tribunal to be just and equitable that the employee should receive a redundancy payment.

(3) In determining under paragraph (2) whether it is just and equitable that an employee should receive a redundancy payment an industrial tribunal shall have regard to—

- (a) the reason shown by the employee for his failure to take any such step as is referred to in paragraph (2) within the period mentioned in paragraph (1), and
- (b) all the other relevant circumstances.