

## STATUTORY INSTRUMENTS

# 1996 No. 1919

## The Employment Rights (Northern Ireland) Order 1996

### PART XII

#### REDUNDANCY PAYMENTS ETC.

##### CHAPTER IV

##### GENERAL EXCLUSIONS FROM RIGHT

#### Qualifying period of employment

**190** <sup>F1</sup>. An employee does not have any right to a redundancy payment unless he has been continuously employed for a period of not less than two years ending with the relevant date.

F1 mod. by SR 1999/409

#### Upper age limit

**191.** <sup>F2</sup> .....

F2 Art. 191 repealed (1.10.2006) by [Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/261), regs. 1(1), 53, Sch. 7 para. 3(11), **Sch. 8(1)** (with reg. 50, Sch. 7 para. 3(14))

#### Exemption orders

**192.**—(1) Where an order under this Article is in force in respect of an agreement covered by this Article, an employee who, immediately before the relevant date, is an employee to whom the agreement applies does not have any right to a redundancy payment.

(2) An agreement is covered by this Article if it is an agreement between—

- (a) one or more employers or organisations of employers, and
- (b) one or more trade unions representing employees,

under which employees to whom the agreement applies have a right in certain circumstances to payments on the termination of their contracts of employment.

(3) Where, on the application of all the parties to an agreement covered by this Article, the Department is satisfied, having regard to the provisions of the agreement, that the employees to whom the agreement applies should not have any right to a redundancy payment, it may make an order under this Article in respect of the agreement.

(4) The Department shall not make an order under this Article in respect of an agreement unless the agreement indicates (in whatever terms) the willingness of the parties to it to submit to an industrial tribunal any question arising under the agreement as to—

*Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, CHAPTER IV is up to date with all changes known to be in force on or before 24 June 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. (See end of Document for details) View outstanding changes*

- (a) the right of an employee to a payment on the termination of his employment, or
- (b) the amount of such a payment.

(5) An order revoking an earlier order under this Article may be made in pursuance of an application by all or any of the parties to the agreement in question or in the absence of such an application.

*Para. (6) rep. by 1999 NI 9*

**Pension rights**

**193.** <sup>F3</sup> .....

**F3** Art. 193 repealed (1.10.2006) by [Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/261\)](#), regs. 1(1), 53, Sch. 7 para. 3(12), **Sch. 8(1)** (with reg. 50, Sch. 7 para. 3(14))

**Public offices etc.**

**194.** A person does not have any right to a redundancy payment in respect of any employment which—

- (a) is employment in a public office within the meaning of section 39 of the Superannuation Act 1965 or section 39 of the Superannuation (Northern Ireland) Act 1967, or
- (b) is treated for the purposes of pensions and other superannuation benefits as service in the civil service of Northern Ireland or the civil service of the United Kingdom.

**Overseas government employment**

**195.—(1)** A person does not have any right to a redundancy payment in respect of employment in any capacity under the Government of an overseas territory.

(2) The reference in paragraph (1) to the Government of an overseas territory includes a reference to—

- (a) a Government constituted for two or more overseas territories, and
- (b) any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more overseas territories.

(3) In this Article references to an overseas territory are to any territory or country outside the United Kingdom.

**Domestic servants**

**196.—(1)** A person does not have any right to a redundancy payment in respect of employment as a domestic servant in a private household where the employer is the parent (or step-parent), grandparent, child (or step-child), grandchild or brother or sister (or half-brother or half-sister) of the employee.

(2) Subject to that, the provisions of this Part apply to an employee who is employed as a domestic servant in a private household as if—

- (a) the household were a business, and
- (b) the maintenance of the household were the carrying on of that business by the employer.

**Changes to legislation:**

The Employment Rights (Northern Ireland) Order 1996, CHAPTER IV is up to date with all changes known to be in force on or before 24 June 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.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 7A inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- Ch. 5 inserted by [2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- art. 21(4B) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- art. 23(1)(zza) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- art. 70F inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- art. 70G inserted by [2020 c. 7 Sch. 7 para. 20](#)
- art. 71(1C) inserted by [2020 c. 7 Sch. 7 para. 21\(a\)](#)
- art. 72(8) inserted by [2020 c. 7 Sch. 7 para. 22\(b\)](#)
- art. 85ZS(3)(a)-(c) substituted for words by [2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- art. 95F(5A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- art. 135E inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- art. 135G inserted by [2020 c. 7 Sch. 7 para. 25](#)
- art. 137(6D) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- art. 137(7N) inserted by [2020 c. 7 Sch. 7 para. 26\(b\)](#)
- art. 140(3)(fj) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- art. 140(3)(fl) inserted by [2020 c. 7 Sch. 7 para. 27](#)
- art. 143(2)(ddd) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- art. 144(2)(ddd) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)