

## 1985 No. 34

## TERMS AND CONDITIONS OF EMPLOYMENT

## Redundancy Rebates Regulations (Northern Ireland) 1985

*Made* . . . . . 21st February 1985

*Coming into operation* . . . . . 1st April 1985

The Department of Economic Development(a), in exercise of the powers conferred on it by section 40(4) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b) and now vested in it(c), and of every other power enabling it in that behalf, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Redundancy Rebates Regulations (Northern Ireland) 1985 and shall come into operation on 1st April 1985.

*Interpretation*

2. In these Regulations—

“the Act” means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965;

“the Department” means the Department of Economic Development;

“employee” has the meaning assigned to it by section 63(3) of the Act and includes any person in respect of whom the Act has effect as if he were an employee within the meaning of that section;

“employer” has the meaning assigned to it by section 63(3) of the Act and includes any person in respect of whom the Act has effect as if he were an employer within the meaning of that section; provided that in a case where an employee’s remuneration is by virtue of any statutory provision payable to him by a person (except a Government Department) other than his employer “employer” means that other person;

“employer’s payment” means any payment an employer is liable to make to an employee in any of the circumstances described in paragraphs (a) to (c) of section 40(1) of the Act;

“local office” means a Redundancy Payments Office provided by the Department or any other office appointed by the Department as a local office for the purpose of these Regulations;

“rebate” means a payment referred to as such in section 40 of the Act.

*Claims for rebate*

3.—(1) A claim for a redundancy rebate shall be made at a local office before the expiration of the period of six months beginning with the day on which the employer’s

(a) Formerly the Department of Manpower Services: See S.I. 1982/846 (N.I. 11) Article 3

(b) 1965 c. 19 (N.I.)

(c) By S.R. & O. (N.I.) 1973 No. 504 Article 6

payment is made or within such further period as the Department may in any particular case or class of cases allow.

(2) A claim for a redundancy rebate shall be in writing and shall contain the following particulars in so far as they are within the knowledge of the employer, and if in the case of any of the particulars the required information is not known or not completely known to the employer that fact shall be so stated, that is to say—

- (a) the employee's name and sex;
- (b) the employee's national insurance number;
- (c) the employee's income tax reference number;
- (d) the employee's date of birth;
- (e) the date on which the employee commenced his period of continuous employment;
- (f) the date on which notice of termination of employment was given to the employee;
- (g) the date on which the employment terminated;
- (h) the reason for the termination of employment;
- (i) the amount of a week's pay calculated in accordance with paragraph 5 of Schedule 3 to the Act; and
- (j) an indication of how the amount of the employer's payment has been calculated.

(3) In this Regulation the expression "within the knowledge of the employer" means "within the knowledge or means of knowledge of the employer or of his servants or agents" and the expression "known or completely known to the employer" shall be construed accordingly.

#### *Provision of evidence*

4.—(1) Every person who makes a claim for a redundancy rebate shall provide such evidence and such other information and produce for examination on behalf of the Department such documents in his custody or under his control as the Department may require being evidence, information and documents necessary to determine the right of that person to, or the amount of, the rebate.

(2) Unless in any particular case or class of cases the Department dispenses with this requirement, every claim for a redundancy rebate shall be accompanied by a receipt signed by the employee concerned evidencing the payment by the employer to that employee of the employer's payment to which the claim relates.

#### *Amendment of claim forms*

5.—(1) This Regulation applies to claims for redundancy rebates made within the time prescribed by Regulation 3(1) which specify the employee or employees to which they relate but which for want of a signature or any other reason are incomplete or defective.

- (2) Where a claim to which this Regulation applies is made in an amended form—
  - (a) within four weeks of being referred back to the employer by the Department; or
  - (b) before the expiration of four weeks from the time prescribed by Regulation 3(1);

the amended claim if made at the same local office as the original claim shall be treated as having been made in the first instance.

*Revocation*

6. The Contracts of Employment and Redundancy Payments (Rebates) Regulations (Northern Ireland) 1965(a) and the Contracts of Employment and Redundancy Payments (Rebates) (Amendment) Regulations (Northern Ireland) 1966(b) are hereby revoked except in relation to any case in which the relevant date within the meaning of section 13(9) of the Act falls before the date on which these Regulations come into operation.

Sealed with the Official Seal of the Department of Economic Development on  
21st February 1985.

(L.S.)

*J. S. Crozier*

Under Secretary

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(a) S.R. & O. (N.I.) 1965 No. 229

(b) S.R. & O. (N.I.) 1966 No. 7

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EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations replace the Contracts of Employment and Redundancy Payments (Rebates) Regulations (Northern Ireland) 1965, as amended by the Contracts of Employment and Redundancy Payments (Rebates) (Amendment) Regulations (Northern Ireland) 1966, which are revoked. The Regulations prescribe the manner and time in which employers are required to claim from the Department the rebates to which they are entitled in respect of payments made by them to redundant employees. The main changes introduced by these Regulations are that they do not require employers to give prior notice that a claim for rebate may arise but they require additional information to be given in the claim for rebate.

The Regulations come into operation on 1st April 1985 and apply in all cases in which the relevant date falls after that date.