

**1994 No. 8****CONTRACTS OF EMPLOYMENT AND REDUNDANCY PAYMENTS****Redundancy Payments (Health and Personal Social Services) (Modification) Order (Northern Ireland) 1994**

*Made* . . . . . 14th January 1994

*Coming into operation* . . . . . 11th February 1994

The Department of Economic Development(a), in exercise of the powers conferred on it by sections 58A(a) and 59(3) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b) and of every other power enabling it in that behalf, hereby makes the following Order:

*Citation and commencement*

1.—(1) This Order may be cited as the Redundancy Payments (Health and Personal Social Services) (Modification) Order (Northern Ireland) 1994 and shall come into operation on 11th February 1994.

(2) In this Order—

“relevant event” means any event occurring on or after the coming into operation of this Order on the happening of which an employee may become entitled to a redundancy payment in accordance with the provisions of the Act;

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

*Application of Order*

2. This Order applies to any person who, immediately before the occurrence of the relevant event, is employed by an employer referred to in Schedule 1, for the purposes of determining the entitlement of any such person to a redundancy payment under Part II of the Act and the amount of such payment.

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- (a) Functions of the Ministry of Health and Social Services under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (1965 c. 19 (N.I.)) were transferred to the Department of Manpower Services by S.R. & O. (N.I.) 1973 No. 504 Article 6 and Schedule 3. The Department of Manpower Services is now known as the Department of Economic Development; see S.I. 1982/846 (N.I. 11) Article 3
- (b) 1965 c. 19 (N.I.). Articles 58A and 59(3) were inserted by Article 108(1) of and paragraph 5(8) and (9) of Schedule 5 to the Industrial Relations (Northern Ireland) Order 1992, S.I. 1992/807 (N.I. 5)

*Application of certain redundancy payments provisions with modifications*

3. In relation to any person to whom this Order applies, the provisions of Part II of the Act mentioned in Schedule 2 shall have effect subject to the modifications specified in that Schedule.

*Transitional, supplementary and incidental provisions*

4.—(1) Without prejudice to section 11(1) of the Interpretation Act (Northern Ireland) 1954(a), any reference in any enactment (including the Act) to any provision of Part II of the Act shall have effect, in relation to any person to whom this Order applies, as a reference to that provision as modified by this Order.

(2) Any document which refers, whether specifically or by means of a general description, to an enactment which is modified by any provision of this Order shall, except so far as the context otherwise requires, be construed as referring or as including a reference to that provision.

(3) Where a period of employment of a person to whom this Order applies falls to be computed in accordance with the provisions of the Act as modified by this Order, the provisions of this Order shall have effect in relation to any period whether falling wholly or partly before or after the coming into operation of this Order.

Sealed with the Official Seal of the Department of Economic Development on 14th January 1994.

(L.S.)

*D. Gibson*

Under Secretary

**Employers for the purposes of Article 2**

1. A Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(a).
2. The Northern Ireland Central Services Agency for the Health and Social Services established by Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972.
3. A Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b).
4. A special health and social services agency established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(c).

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(a) S.I. 1972/1265 (N.I. 14)  
(b) S.I. 1991/194 (N.I. 1)  
(c) S.I. 1990/247 (N.I. 3)

**Modifications to certain redundancy payments provisions of the Act**

1. Section 11 of the Act(a) shall have effect as if—

(a) in subsection (1) for the words “has been continuously employed for the requisite period” there were substituted the words “has been employed in relevant health and personal social services service for the requisite period”;  
and

(b) after subsection (2) there were inserted the following subsection:—

“(3) In this section and Schedule 3—

(a) “relevant health and personal social services service” means—

(i) continuous employment by an employer referred to in Schedule 3A, or

(ii) where immediately before the relevant event a person has been successively employed by two or more employers referred to in Schedule 3A, such aggregate period of service with such employers as would be continuous employment if they were a single employer;

(b) “relevant event” means any event occurring on or after the coming into operation of the Redundancy Payments (Health and Personal Social Services) (Modification) Order (Northern Ireland) 1994 on the happening of which an employee may become entitled to a redundancy payment in accordance with this Act.”.

2. Section 12 of the Act(b) shall have effect as if immediately after subsection (6) there were inserted—

“(7) Any reference in this section to re-engagement by the employer shall be construed as including a reference to re-engagement by any employer referred to in Schedule 3A and any reference in this section to an offer by the employer shall be construed as including a reference to an offer made by any such employer.”.

3. Section 13 of the Act(c) shall have effect as if immediately after subsection (10) there were inserted the following subsection—

“(11) Any reference in this section to re-engagement by the employer shall be construed as including a reference to re-engagement by any employer referred to in Schedule 3A and any reference in this section to an offer by the employer shall be construed as including a reference to an offer made by any such employer.”.

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- (a) Section 11 was amended by Article 82(1) of and Part II of Schedule 5 to the Industrial Relations (Northern Ireland) Order 1976, S.I. 1976/1043 (N.I. 16)
- (b) Section 12 was amended by Article 82(1) of and Part II of Schedule 5 to the Industrial Relations (Northern Ireland) Order 1976, S.I. 1976/1043 (N.I. 16) and by Article 14(1) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990, S.I. 1990/246 (N.I. 2)
- (c) Section 13 was substituted by Article 82(1) of and Part II of Schedule 5 to the Industrial Relations (Northern Ireland) Order 1976, S.I. 1976/1043 (N.I. 16)

4. Schedule 3 to the Act(a) shall have effect as if for paragraph 1 there were substituted the following paragraph—

“1. The amount of a redundancy payment to which an employee is entitled in any case to which the Redundancy Payments (Health and Personal Social Services) (Modification) Order (Northern Ireland) 1994 applies shall, subject to the following provisions of this Schedule, be calculated by reference to the period ending with the relevant date during which he has been employed in relevant health and personal social services service.”

5. The Act shall have effect as if after Schedule 3 there were inserted the following Schedule—

“SCHEDULE 3A

**Employers with which employment may constitute relevant health and personal social services service**

Any employer described in Schedule 1 to the Redundancy Payments (Health and Personal Social Services) (Modification) Order (Northern Ireland) 1994 whether or not in existence at the time of the relevant event.”

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- (a) Schedule 3 was amended by Article 82(1) and (3) of, and Part II of Schedule 5 and Schedule 7 to, the Industrial Relations (Northern Ireland) Order 1976, S.I. 1976/1043 (N.I. 16), Article 25(2) of and Schedule 4 to the Industrial Relations (Northern Ireland) Order 1987, S.I. 1987/936 (N.I. 9), Article 14(2) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990, S.I. 1990/246 (N.I. 2), S.R. 1992 No. 75, and Article 108(3) of and Schedule 6 to the Industrial Relations (Northern Ireland) Order 1992, S.I. 1992/807 (N.I. 5)

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EXPLANATORY NOTE

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

This Order modifies certain redundancy payments provisions of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (“the Act”) in their application to persons employed in relevant health and personal social services service (service with the employers referred to in Schedule 3A to the Act as modified by this Order) so that a change of employer does not break continuity for the purposes of the redundancy payments provisions of the Act.