

- (a) in Form A, for notes (d) and (e), there shall be substituted the following notes respectively, that is to say:—
 “(d) State ‘ships’ or ‘sewers’ as the case may require.
 (e) State the situation of the ships or sewers as the case may require.”;
- (b) in Form B, for notes (e) and (f) there shall be substituted the following notes respectively, that is to say:—
 “(e) State ‘ships’ or ‘sewers’ as the case may require.
 (f) State the situation of the ships or sewers as the case may require.”.

10. In the Sixteenth Schedule (which specifies poisons required to be coloured in certain cases), under the heading beginning with the words “Phosphorus compounds”, after the item “Azinphos-methyl” there shall be inserted the item “Dichlorvos”.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Poisons Regulations (Northern Ireland) 1965, so as to impose appropriate requirements and restrictions on the sale of substances now added to the Poisons Schedule by the Poisons List (No. 2) Order (Northern Ireland) 1965 (S.R. & O. (N.I.) 1965, No. 227) and also make certain other amendments of which the principal are the following. The sale or supply of monofluoroacetic acid, fluoroacetamide or fluoroacetanilide for use as a rodenticide in aircraft hangars, industrial premises and warehouses will no longer be permitted. Oxydemeton-methyl when contained in certain preparations in aerosol canisters for use in horticulture is exempted from control. Phencyclidine will be subject to stricter control. Chloral hydrate when contained in preparations for external application will be subject to less strict control. Certain changes are made in the labelling requirements in the case of medicines containing anti-histamine substances.

1965. No. 229

[C]

TERMS AND CONDITIONS OF EMPLOYMENT

Redundancy Payments—Rebates

REGULATIONS, DATED 5TH NOVEMBER, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 40(4) OF THE CONTRACTS OF EMPLOYMENT AND REDUNDANCY PAYMENTS ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services (hereinafter referred to as “the Ministry”) in exercise of powers conferred by section 40(4) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

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

Citation and commencement

1. These Regulations may be cited as the Contracts of Employment and Redundancy Payments (Rebates) Regulations (Northern Ireland) 1965 and shall come into operation on the 8th November, 1965.

Interpretation

2. In these Regulations—

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

“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 local office of the Ministry;

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

Prior notice of expected redundancy

3.—(1) An employer shall give prior notice that a claim for a rebate may arise in consequence of—

(a) the termination by him of an employee’s contract of employment; or

(b) the expiration of a contract of employment for a fixed term, by delivering to a local office a written notice containing the particulars specified in Regulation 4.

(2) The prior notice shall be given—

(a) in the case of an employee who is one of ten or more employees in the same establishment as respects whom prior notice is required being employees whose contracts of employment are to terminate or expected to terminate on the same day or within a period of not more than six days, not less than twenty-eight days before the date on which the terminations are (or as the case may require the first of them is) to take or expected to take effect;

(b) in any other case, not less than fourteen days before the date on which the termination of the contract of employment is to take or is expected to take effect.

Particulars to be included in prior notice

4.—(1) The written notice required by Regulation 3 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 current period of continuous employment;
- (f) the date on which that employment is expected to terminate;
- (g) the reason for the expected termination of employment;
- (h) the amount of a week's pay calculated in accordance with paragraph 5 of Schedule 3 to the Act.

(2) If the information required under item (h) involves a calculation which it is not practicable for the employer to make in time for the information to be included in the written notice before it has to be delivered to a local office the notice shall be delivered without that information but with an intimation that it will follow later and the information shall as soon as practicable be delivered to the same local office as that to which the notice was delivered.

(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.

Claims for rebate

5.—(1) A claim for a 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 payment is made or within such further period as the Ministry may in any particular case or class of cases allow.

- (2) The claim shall be in writing and shall—
 - (a) specify the date on which the employment terminated; and
 - (b) indicate the amount of the employer's payment and how it has been calculated.

Provision of evidence

6.—(1) Every person who makes, or gives prior notice of, a claim for a rebate shall provide such evidence and such other information and produce for examination on behalf of the Ministry such documents in his custody or under his control as the Ministry 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 Ministry dispenses with this requirement, every claim for a 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

7.—(1) This Regulation applies to claims for rebates made within the time prescribed by Regulation 5(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 Ministry; or

(b) before the expiration of four weeks from the time prescribed by Regulation 5(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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 5th day of November, 1965.

(L.S.)

W. Slinger,
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations prescribe the manner and time in which employers are required to claim from the Ministry the rebates to which they are entitled in respect of payments made by them to their redundant employees. The Regulations also prescribe what prior notice is required that a claim for a rebate may arise in cases where employees are to be dismissed, or their fixed term contracts are not to be renewed, by reasons of redundancy.

1965. No. 230

[NC]

**SUPREME COURT, NORTHERN IRELAND
WINTER ASSIZE**

The Northern Ireland Winter Assize Order 1965

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

ERSKINE OF RERRICK

This Order in Council was in operation from 1st December, 1965 to 31st March, 1966 and is not printed at length in this volume.