

1970 No. 354

TERMS AND CONDITIONS OF EMPLOYMENT**The Redundancy Payments (Exemption) (No. 1) Order 1970**

Made - - - - - *6th March 1970*
Coming into Operation *31st March 1970*

WHEREAS the parties to the agreement dated the 20th day of January 1970 set out in the Schedule to this Order made application to the Secretary of State pursuant to section 11(1) of the Redundancy Payments Act 1965(a) (hereafter referred to as "the Act") on the 6th February 1970:

AND whereas the agreement is between the following parties:—

- (a) The Electricity Council
- (b) The North of Scotland Hydro-Electric Board
- (c) The South of Scotland Electricity Board
- (d) The Amalgamated Union of Engineering and Foundry Workers
- (e) The Electrical, Electronic and Telecommunications Union—Plumbing Trades Union
- (f) The General and Municipal Workers Union
- (g) The Transport and General Workers Union
- (h) The National Federation of Construction Unions
- (i) The Clerical and Administrative Workers Union
- (j) The National and Local Government Officers Association
- (k) The Electrical Power Engineers Association
- (l) The Association of Managerial Electrical Executives

AND whereas the parties to the agreement are employers and trade unions representing employees:

AND whereas under the said agreement employees of the employers who are party to the agreement have a right in certain circumstances to payments on the termination of their contracts of employment:

AND whereas, in pursuance of section 11(1) and (2) of the Act the Secretary of State, having regard to the provisions of the agreement, is satisfied that section 1 of the Act should not apply to the said employees:

NOW, therefore, the Secretary of State in exercise of her powers under section 11(1) of the Act and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Redundancy Payments (Exemption) (No. 1) Order 1970 and shall come into operation on 31st March 1970.

(a) 1965 c. 62.

Interpretation

2.—(1) The Interpretation Act 1889(a) shall apply to the interpretation of the Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the Act” means the Redundancy Payments Act 1965;

“employee” has the same meaning as in section 25(1) of the Act and cognate expressions shall be construed accordingly;

“Electricity Board” means the Electricity Council, the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board, the Central Electricity Generating Board, or an Area Electricity Board and shall, as the case may require, include their predecessors.

“The exempted agreement” means the agreement set out in the Schedule hereto.

Exemption of Electricity Board employees

3. Section 1 of the Act shall not apply to any person in respect of his employment with an Electricity Board, being an employment to which the exempted agreement applies.

Signed by order of the Secretary of State.

6th March 1970.

K. Barnes,

Deputy Under Secretary of State,
Department of Employment and Productivity

Article 3

SCHEDULE

AGREEMENT

THIS AGREEMENT is made the Twentieth day of January One thousand nine hundred and seventy BETWEEN THE ELECTRICITY COUNCIL (hereinafter called “the Council”) THE NORTH OF SCOTLAND HYDRO-ELECTRIC BOARD and THE SOUTH OF SCOTLAND ELECTRICITY BOARD (hereinafter with the Council collectively called “the Employers”) of the one part and the TRADE UNION whose names are set out in the Appendix 1 to this Agreement who are collectively referred to in this Agreement as “the Unions” of the other part

WHEREAS:—

(1) THE expression “Electricity Board” when used in this Agreement in the singular or the plural shall mean or include the Council, the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board, the Central Electricity Generating Board or an Area Electricity Board (all of whose names are set out in the Appendix to this Agreement) and where appropriate shall include their predecessors.

(2) THE Council have consulted with the Central Electricity Generating Board and the Area Electricity Boards in England and Wales and have been authorised by them to enter into this Agreement on their behalf.

(3) AT a meeting of the National Joint Industrial Council on the eighteenth day of December One thousand nine hundred and sixty-nine, of the National Joint (Bulk and Civil Engineering) Committee on the fourteenth day of January One thousand nine hundred and seventy, of the National Joint Council on the thirteenth day of January One thousand nine hundred and seventy, of the National Joint Board on the sixteenth day of December One thousand nine hundred and sixty-nine and of

National Joint Managerial and Higher Executive Grades Committee on the nineteenth day of December One thousand nine hundred and sixty-nine it was resolved that this Agreement a copy of which was tabled at the said meetings shall form part of the terms and conditions of employment of each individual employee of the Electricity Boards immediately on the coming into operation of an exemption order under section 11 of the Redundancy Payments Act 1965 in respect of this Agreement and the Joint Secretaries of the respective negotiating Councils, Committees or Board were authorised to sign this Agreement on behalf of the Employers and of the Unions as indicated in the Appendix 1 hereto.

NOW in order to secure the continuity of employment of Electricity Board employees transferred between Electricity Boards, the Electricity Boards and the Unions mutually agree with each other as follows:—

1. The Electricity Boards and the Unions shall apply to the First Secretary of State being the Minister now responsible for the administration of the Redundancy Payments Act for an Order to be made under section 11 of the Redundancy Payments Act 1965 in respect of this Agreement that section 1 of the Act shall not apply to any person in respect of his employment with an Electricity Board, being an employment to which this Agreement applies.

2. The Electricity Boards and the Unions agree that Electricity Board employees shall have a right to payments on the termination of their contract of employment for reasons of redundancy on terms and provisions which subject to this clause are not less favourable than those laid down in the Redundancy Payments Act 1965 or any statutory modification thereof and although the Electricity Boards are not "associated companies" as defined in section 48 of the Redundancy Payments Act 1965 continuity of employment shall not have been or be broken where an employee has been or is during his employment with an Electricity Board transferred to another Electricity Board for any reason and re-engagement made by an Electricity Board or an offer of employment by an Electricity Board shall be treated as if the re-engagement or offer was made by an associated company as defined under section 48 of the Act but subject to the provisions of section 24 of the Redundancy Payments Act 1965 in the case of an employee to whom a previous redundancy payment has been paid and the provisions of this paragraph shall apply to every employee in whatever capacity he may have been or be employed by an Electricity Board immediately before or after the date of his transfer from one Electricity Board to another.

3. The Electricity Boards and the Unions are willing to submit to such a tribunal as is referred to in section 9 of the Redundancy Payments Act 1965 any question arising under this Agreement as to the right of an employee to a payment on the termination of his employment or as to the amount of such a payment as if the payment were a redundancy payment and the question arose under Part I of the Redundancy Payments Act 1965.

4. In order that all employees shall enjoy the advantages of this Agreement this Agreement shall form part of the contract of employment of each individual employee and this Agreement shall be incorporated into each individual contract of employment either specifically or by setting out this Agreement in a handbook which the individual contracts of employment will incorporate by reference.

5. Clauses 2 to 4 of this Agreement shall commence on the date of the coming into operation of the exemption order under section 11 of the Redundancy Payments Act 1965 for which application is to be made to the First Secretary of State in accordance with Clause 1 of this Agreement.

AS WITNESS the hands of Howard Sallis and Walter John Cyril Biggin, the Joint Secretaries of the National Joint Industrial Council, the said Howard Sallis and Harry Job Owen Weaver, the Joint Secretaries of the National Joint (Building and Civil Engineering) Committee, Wilfred James Browning and Thomas George Allcock, the Joint Secretaries of the National Joint Board, William George Frederick John and

Philip Henry Rowley, the Joint Secretaries of the National Joint Council and the said William George Frederick John and the said Thomas George Allcock, the Joint Secretaries of the National Joint Managerial and Higher Executive Grades Committee the day and year first before written.

APPENDIX 1

- (a) Trade Unions represented on the National Joint Industrial Council—
 - Amalgamated Union of Engineering and Foundry Workers
 - Electrical, Electronic and Telecommunications Union—Plumbing Trades Union
 - General and Municipal Workers Union
 - Transport and General Workers Union
- (b) Trade Union represented on the National Joint (Building and Civil Engineering) Committee—
 - National Federation of Construction Unions
- (c) Trade Unions represented on the National Joint Council—
 - Clerical and Administrative Workers Union
 - National and Local Government Officers Association
 - General and Municipal Workers Union
 - Transport and General Workers Union
- (d) Trade Union represented on the National Joint Board—
 - Electrical Power Engineers Association
- (e) Trade Unions represented on the National Joint Managerial and Higher Executive Grades Committee—
 - Association of Managerial Electrical Executives
 - Electrical Power Engineers Association
 - National and Local Government Officers Association

APPENDIX 2

The Electricity Council
The Central Electricity Generating Board
London Electricity Board
South Eastern Electricity Board
Southern Electricity Board
South Western Electricity Board
Eastern Electricity Board
East Midlands Electricity Board
Midlands Electricity Board
South Wales Electricity Board
Merseyside and North Wales Electricity Board
Yorkshire Electricity Board
North Eastern Electricity Board
North Western Electricity Board
South of Scotland Electricity Board
North of Scotland Hydro-Electric Board

Signed by the said
Howard Sallis and
Walter John Cyril Biggin
on behalf of the parties hereto represented
on the National Joint Industrial Council
in the presence of:—

Howard Sallis
W. J. C. Biggin

R. D. V. Roberts
Full-time Member,
The Electricity Council,
30 Millbank,
London S.W.1

Signed by the said
Howard Sallis and
Harry Job Owen Weaver
on behalf of the parties hereto represented
on the National Joint (Building and Civil
Engineering) Committee
in the presence of:—

Howard Sallis
H. J. O. Weaver

George H. Lowthian
President
National Federation of Construction
Unions
Federal House, Cedars Road,
London S.W.4

Signed by the said
William George Frederick John and
Philip Henry Rowley
on behalf of the parties hereto represented
on the National Joint Council
in the presence of:—

W. G. F. John
Philip H. Rowley

Ronald Pintus
Assistant Labour Relations Officer,
The Electricity Council,
30 Millbank,
London S.W.1

Signed by the said
Wilfred James Browning and
Thomas George Allcock
on behalf of the parties hereto represented
on the National Joint Board
in the presence of:—

W. J. Browning
T. G. Allcock

W.A.R. South
Chairman,
National Joint Board,
20 Colston Road,
Northallerton, Yorkshire.

Signed by the said
William George Frederick John and
Thomas George Allcock
on behalf of the parties hereto represented
on the National Joint Managerial and Higher
Executive Grades Committee
in the presence of:—

W. G. F. John
T. G. Allcock

R. D. V. Roberts
Full-time Member,
The Electricity Council,
30 Millbank,
London S.W.1

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order excludes the application of section 1 of the Redundancy Payments Act 1965 as respects employees in the employment of the Electricity Board, as defined in the Order, to whom the agreement specified in the Schedule applies

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