

1979 No. 881

AIRCRAFT AND SHIPBUILDING INDUSTRIES

**The Shipbuilding (Redundancy Payments Scheme)
(Northern Ireland) (Amendment) Order 1979**

Laid before Parliament in draft

Made - - - - 23rd July 1979

Coming into Operation 24th July 1979

In exercise of the powers conferred upon me by sections 1 and 2 of the Shipbuilding (Redundancy Payments) Act 1978(a) and for the purposes mentioned in section 1(1) of that Act, I hereby make the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament in accordance with section 2(10) of that Act.

1. This Order may be cited as the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) (Amendment) Order 1979 and shall come into operation on the day after it is made.

2. The Scheme set out in the Schedule to the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) Order 1978(b) shall have effect subject to the amendments contained in the Schedule to this Order.

Humphrey Atkins,

One of Her Majesty's Principal
Secretaries of State.

Northern Ireland Office.

23rd July 1979.

(a) 1978 c. 11.

(b) S.I. 1978/1127.

SCHEDULE
AMENDMENTS TO THE SHIPBUILDING REDUNDANCY
PAYMENTS (NORTHERN IRELAND) SCHEME

1. In Article 1 of the Scheme—
- (a) in the definition of “previous earnings”, after the words “the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965”, there shall be inserted the words, “as varied by the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1979(a)”;
 - (b) in the definition of “qualifying company”, for the word “consists” there shall be substituted the words “on 1st July 1977 consisted”;
 - (c) for the definition of “unemployed person” there shall be substituted the following definition:—
 - “unemployed person” means a person who—
 - (a) is unemployed and is registered for unemployment or would be so registered if he were not certified as incapable of work through sickness or injury, or
 - (b) is unemployed and is attending a course provided by the Department of Manpower Services for Northern Ireland or any other authority or person under the Employment and Training Act (Northern Ireland) 1950(b) or a training course approved by the Department for the purposes of this Scheme;”;
 - (d) for paragraph (2)(d)(ii) there shall be substituted the following provision:—
 - “(ii) paragraphs 5(3) and 6 to 8 and everything after paragraph 9 were omitted,”;and
 - (e) at the end of paragraph (2) there shall be added the following sub-paragraphs:—
 - “(f) in determining the period during which a person was at all times in qualifying employment there shall be disregarded any period beginning with the date on which that person was called up under Part I of the National Service Act 1948(c) for whole time service and ending on—
 - (i) the date six months after the date on which ended the whole time service for which he was called up, or
 - (ii) the date during those six months on which that person first resumed qualifying employment,whichever is earlier, and
 - (g) if a person was in qualifying employment on 30th June 1977, then, in determining the length of the period ending on the relevant date during which that person was at all times engaged in qualifying employment, that person’s employment with a qualifying company after 30th June 1977 shall be deemed to be qualifying employment regardless of the activities in which he was employed after that date.”.
2. In Article 2(1) of the Scheme, for the word “two” there shall be substituted the word “four”.
3. At the end of Article 10 of the Scheme, there shall be added the following paragraph:—
- “(4) Notwithstanding paragraphs (1) and (2) above, no deduction shall be made of the amount of any payment to which a person is eligible under a company scheme if he would not have been eligible for it but for the fact that on or before 31st October 1978 he exercised an option available to him under the company scheme to accept that payment in lieu of benefits under the company scheme to which he would otherwise have been entitled.”.

(a) S.R. 1979 No. 7.

(b) 1950 c. 29 (N.I.).

(c) 1948 c. 64.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Scheme established by the Shipbuilding (Redundancy Payments Scheme) (Northern Ireland) Order 1978 for the payment of benefits to the employees of any company engaged in shipbuilding the whole of whose equity share capital is owned by or on behalf of the Crown or of any wholly owned subsidiary of such a company who are made redundant or transferred to less well-paid employment.

The changes are as follows:—

- (1) the period during which redundancies or transfers must take place to qualify for the scheme is extended from two years beginning on 1st July 1977 to four years beginning on that date;
- (2) the limit of £100 to a week's pay taken into account in calculating previous earnings is increased to £110 where the relevant date is on or after 1st February 1979 (the amount laid down in the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1979);
- (3) a person may now be eligible for benefits even though when he was dismissed or transferred he was not employed wholly or mainly on qualifying activities if he was so employed on 30th June 1977;
- (4) a person may now be eligible for benefits even though the company which employed him when he was dismissed or transferred was not then wholly or mainly engaged in qualifying activities if it was so engaged on 1st July 1977;
- (5) a period spent in National Service will not now constitute a break in continuous qualifying employment;
- (6) a person may now be treated as unemployed even though not registered for employment if he is attending a training course under the Employment and Training Act (Northern Ireland) 1950 or a training course for the purposes of the Scheme, with the result that periodical payments may be paid during a period of retraining;
- (7) no deduction from benefits will be made of amounts payable under a scheme operated by the company which employs him if those amounts became payable solely because the beneficiary elected on or before 31st October 1978 to have them paid to him.

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