

SCHEDULE 1

SCHEME FOR THE ABOLITION OF THE PILOTAGE COMMISSION

Arrangements in respect of staff

3.—(1) The contracts of all persons employed by the Commission on the Liquidation Date shall determine with effect from the Liquidation Date and all such persons shall be deemed to have been dismissed by the Commission by reason of redundancy on the Liquidation Date.

(2) All persons employed by the Commission on the Liquidation Date shall subject to paragraphs (4) and (6) of this Article be entitled to the higher of

- (a) the amount due on redundancy under the terms of the contract of employment between those persons and the Commission, or
- (b) the total of
 - (i) three times the lump sum redundancy payment applicable to male employees under the terms of the EPCA as modified pursuant to paragraphs (3) and (4) of this Article and
 - (ii) any additional payments to which employees may be entitled pursuant to paragraph (5) of this Article

PROVIDED THAT such entitlement shall not affect the right of such persons to receive notice to terminate their contract of employment or payment in lieu of such notice, and PROVIDED also that the payments made pursuant to sub-paragraph (b) of this Article shall include the entitlement of the persons entitled to receive payments under sub-paragraph (b) of this Article to a redundancy payment in respect of this employment.

(3) The calculation of a “week’s pay” as provided for under the EPCA for the purpose of computing a redundancy payment under paragraph (2) of this Article shall ignore the maximum limit set under the EPCA where the employee’s weekly gross pay exceeds this figure, and shall substitute the weekly gross pay of the employee concerned at the Liquidation Date.

(4) Except in the case of the employees referred to in paragraph (5) of this Article, the total redundancy payment based on “week’s pay” that may accrue to any employee under paragraph (2) of this Article shall be subject to a maximum of 90 weeks’ pay or the gross pay which the employee would have received if paid at the level of remuneration payable to the employee on the Liquidation Date for the period between the Liquidation Date and the employee’s sixty-fifth birthday, whichever is the lesser, and to the provision of the “tapering” of entitlement in relation to all employees aged between sixty-four and sixty-five set out in paragraph 4 of Schedule 4 to the EPCA.

(5) Those employees who are entitled to receive redundancy payments calculated under paragraph (2) of this Article who are aged fifty and over on the Liquidation Date shall subject to paragraph (6) of this Article also be entitled to additional compensation of one week’s pay for each year or part of a year of employment that has accrued to them between their fiftieth and sixtieth birthdays, and a half week’s pay for each year or part of a year that has accrued to them between their sixtieth and sixty-fifth birthdays. Such additional weeks’ pay are not subject to the limitation of the maximum of 90 weeks’ pay applied to the basic redundancy calculation under paragraph (4) of this Article but the provision for the “tapering” of entitlement in relation to all employees aged between sixty-four and sixty-five in paragraph 4 of Schedule 4 to the EPCA shall apply.

(6) The combined product of the basic redundancy and the additional weeks’ pay payable under paragraph (2) and (5) of this Article, respectively, shall not exceed the gross pay which the employee would have received if paid at the level of remuneration payable to the employee on the Liquidation Date for the period between the Liquidation Date and the employee’s sixty-fifth birthday.

(7) Subject as provided in paragraph (8) of this Article, persons who are employed in pensionable employment by the Commission on the Liquidation Date shall be entitled to receive, in addition to

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the sums payable to them under paragraphs (2) and (5) of this Article, a sum equal to 23% of their annual pensionable earnings multiplied by the number of years or parts of years remaining before their normal retirement age or the age of sixty-five, whichever is the fewer, to a maximum of 62 years.

(8) No payment shall be made under paragraph (7) of this Article to any person who at the date of his dismissal

- (a) is under the age of fifty;
- (b) has less than five years of pensionable service; or
- (c) is entitled under the terms of his employment with the Commission to enhancement of pension entitlement in the event of redundancy.