STATUTORY RULES OF NORTHERN IRELAND

2015 No. 68

LOCAL GOVERNMENT

The Local Government Reorganisation (Compensation for Loss of Employment) Regulations (Northern Ireland) 2015

Made - - - - 17th February 2015

Coming into operation 1st April 2015

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by Article 19 of, and paragraph 13 of Schedule 3 to, the Superannuation (Northern Ireland) Order 1972 [F1] and now vested in it [F2]:

Annotations:

F1 S.I.1972/1073 (N.I. 10)
.

F2 S.R. & O (N.I.)
1973 No. 504
Article 7 (1);
S.I. 1976/424 (N.I. 6)
Article 4.

Citation and commencement

1.—(1) These Regulations may be cited as the Local Government Reorganisation (Compensation for Loss of Employment) Regulations (Northern Ireland) 2014.

(2) These Regulations shall come into operation on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

"the 1996 Order" means the Employment Rights (Northern Ireland) 1996 [F3];

"the 2014 Act" means the Local Government Act (Northern Ireland) 2014 [F4];

"CSCS" means a Civil Service Compensation Scheme made and maintained by the Department of Finance and Personnel under Article 3 of the Superannuation (Northern Ireland) Order 1972;

"employment" does not include the office of councillor;

"enhanced redundancy payment" means statutory redundancy payment and compensation paid under these regulations;

[[F5]"local government body" means—

(a) a council;

(b) a joint committee of a council which has been constituted as a body corporate; or

(c) the Local Government Staff Commission.**]**

"loss" means the loss of employment or office in the circumstances specified in regulation 3 and 4;

"material date" means the date of the final day of a person's employment which is lost;

"the prescribed period" is the period which commences on 1st April 2015 and ends on 31st December 2019;

"the Pension Regulations" mean the Local Government Pension Scheme Regulations (Northern Ireland) 2014 [F6] and the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014 [F7];

"recognised pension scheme" means either the Local Government Pension Scheme or the Principal Civil Service Pension Scheme Northern Ireland, as the case may be.

(2) Expressions not defined in paragraph (1) but used in these Regulations and in the Pension Regulations have the same meaning as in those Regulations.

Annotations:

F3 S.I. 1996/1919 (N.I. 16)
.

F4 2014 c. 8 (N.I.)
.

F5 Words in
reg. 2(1)
substituted (2.7.2015) by
The Local Government Reorganisation (Compensation for Loss of Employment) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/271)
,
regs. 1
,
3

F6 S.R.
2014 No. 188
.

F7 S.R.
2014 No. 189
.

Application of these Regulations

3. These Regulations apply to a person, determined by a local government body as entitled to an enhanced redundancy payment who—

(a) suffers loss during the prescribed period—

(i) by reason of redundancy; or

(ii) in the interests of the efficient exercise of the local government body's functions; and

(b) satisfies the prescribed conditions in regulation 4.

Prescribed conditions

4.—(1) The provisions of the following paragraphs of this regulation are the prescribed conditions for the purposes of regulation 3.

(2) The first condition is that, on the material date, the person, is employed by a local government body for a continuous period of 2 years or whose employment record satisfies the requirements of Redundancy Payments (Continuity of Employments in Local Government, etc.) (Modification) Order (Northern Ireland) 1999 [F8].

(3) The second condition is that the local government body determines that the loss of employment is attributable to the provisions of—

(a) the 2014 Act;

(b) the Local Government (Boundaries) Act (Northern Ireland) 2008; or

(c) the Planning Act (Northern Ireland) 2011.

Annotations:

F8 S.R. 1999 No. 409 .

Calculation of compensation payment

[[F9]**5.**—(1) A person's compensation payment is calculated by subtracting—

(a) that person's statutory redundancy payment or payment under CSCS (whichever is the higher); and

(b) any specified compensation,

from that person's enhanced redundancy payment.

(2) A person's enhanced redundancy payment is calculated by multiplying their statutory redundancy payment by 3.46.

(3) Subject to regulation 6(1)(b), the enhanced redundancy payment must not exceed the value of 104 weeks' pay (as calculated for the purposes of the 1996 Order in accordance with Chapter IV of Part 1 of that Order).

(4) For the purposes of paragraph (1), "specified compensation" is compensation paid or payable to that person under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007.**]**

Annotations:

F9 Reg. 5 substituted (2.7.2015) by The Local Government Reorganisation (Compensation for Loss of Employment) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/271) , regs. 1 , **4**