1986 No. 80

LOCAL GOVERNMENT

Local Government (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1986

Made . . . . . *27th March 1986*

Coming into operation . . . *15th May 1986*

The Department of the Environment, in exercise of powers conferred by Article 19 of the Superannuation (Northern Ireland) Order 1972(a) and now vested in it(b), and of every other power enabling it in that behalf, hereby makes the following regulations:—

PART I

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Local Government (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1986 and shall come into operation on 15th May 1986.

(2) In these regulations "the principal regulations" means the Local Government (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(c).

PART II

COMPENSATION IN CERTAIN CASES OF REDUNDANCY

Interpretation

2. In this Part "the 1965 Act" means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(d).

Persons to whom Part II applies

3.—(1) Subject to paragraph (2), this Part applies to any person who is entitled to a redundancy payment under the 1965 Act and who, on or after 15th May 1986 ceases to hold his employment with an authority specified in Schedule 1 to the principal regulations.

(2) This Part does not apply to—

(*a*) a person who immediately before ceasing to hold his employment was employed by the University of Ulster unless immediately before 1st October 1984 he was employed by the Governors of the Ulster Polytechnic and was entitled to participate in the benefits provided by the Local Government (Superannuation) Regulations (Northern Ireland) 1981(e); or

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(a) S.I. 1972/1073 (N.I. 10)
(b) S.R. & O. (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6)
(c) S.R. 1983 No. 30
(d) 1965 c. 19 (N.I.). Relevant amendments are made by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5 Part II paragraphs 13, 37, 38, 39 and 40, S.R. 1985 No. 38 Article 2 and the Schedule
(e) S.R. 1981 No. 96 to which there are amendments not relevant to these regulations

(*b*) a person ceasing to hold an employment in which he was a person in relation to whom regulations may be made under Article 11 of the Superannuation (Northern Ireland) Order 1972 (superannuation of teachers).

Compensation

4. The authority by whom a person to whom this Part applies has ceased to be employed may pay him compensation which does not exceed the difference between—

(*a*) the redundancy payment to which he is entitled under Part II of the 1965 Act; and

(*b*) the redundancy payment to which he would have been so entitled if paragraph 5(4) of Schedule 3 to the 1965 Act(a) (weekly pay in excess of specified limit to be disregarded in calculating redundancy payment) had been repealed.

PART III

AMENDMENT OF PRINCIPAL REGULATIONS

Definitions in principal regulations

5. Regulation 2 of the principal regulations is amended by substituting for the definition of "redundancy payment" the following definition:

" "redundancy payment" shall be construed in accordance with regulation 2A;".

Meaning of "redundancy payment"

6. The principal regulations are amended by inserting after regulation 2 the following regulation—

"*Meaning of "redundancy payment"*

2A.—(1) Subject to paragraph (2), "redundancy payment" means the aggregate of:

(*a*) the redundancy payment to which a beneficiary is entitled under section 11 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 ("the 1965 Act"); and

(*b*) any compensation paid to him under Part II of the Local Government (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1986 ("the 1986 regulations"),

in respect of the cessation of his former employment.

(2) Where the definition in regulation 2 of "excepted payment" falls to be applied for the purposes of paragraph 7 of Schedule 2 (previous entitlement on termination of an employment before the material date), the reference in that definition to a redundancy payment is to be treated as a reference to the aggregate of the redundancy payment to which the beneficiary became entitled under section 11 of the 1965 Act in respect of the termination of the relevant employment, and—

(*a*) where the termination occurred before 15th May 1986, any amount paid to him in respect of it in pursuance of a contract or arrangement and calculated by reference to—

(i) the payment under section 11 of the 1965 Act,

(ii) a period of continuous employment or employments (subject to a maximum period of 20 years), and

(a) Inserted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5 Part II paragraph 39