1965. No. 238 **[C]**

TERMS AND CONDITIONS OF EMPLOYMENT

Redundancy Payments—Shift and Rota Workers

REGULATIONS, DATED 15TH NOVEMBER, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SCHEDULES 3 AND 4 TO THE CONTRACTS OF EMPLOYMENT AND REDUNDANCY PAYMENTS ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services in exercise of powers conferred by paragraph 5 of Schedule 3 and paragraph 2 of Schedule 4 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(**a**) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Contracts of Employment and Redundancy Payments (Shift and Rota Workers) Regulations (Northern Ireland) 1965 and shall come into operation on 6th December, 1965.

Interpretation

2. In these Regulations—

"the Act" means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965;

"the appropriate period" has the meaning assigned to it by Regulation 3;

"employee" has the meaning assigned to it by section 63(3) of the Act and includes any person in respect of whom the Act has effect as if he were an employee within the meaning of that section;

"employer" has the meaning assigned to it in section 63(3) of the Act and includes any person in respect of whom the Act has effect as if he were an employer within the meaning of that section: PROVIDED that in a case where an employee's remuneration is by virtue of any statutory provision payable to him by a person (except a Government Department) other than his employer "employer" means that other person;

"normal working hours" has the same meaning as it has for the purposes of Schedule 2 to the Act;

"week" has the meaning assigned to it by section 15(3) of the Act;

"a week's pay" is, in the case of an employee in respect of whose employment these Regulations apply, the amount calculated as such in accordance with Regulation 5.

Meaning of "the appropriate period"

3. In these Regulations "the appropriate period" means—

(*a*) in the case of an employee who is entitled to a redundancy payment on the ground that he has been dismissed by his employer, the period of twelve consecutive weeks immediately preceding the date upon which that employer had, or would have had, to give the employee notice under section 1(1) of the Act to terminate the contract of employment on the relevant date;

(a) 1965. c. 19 (N.I.).

(*b*) in the case of an employee who is entitled to a redundancy payment by reason of being laid-off or kept on short-time or as respects whom it falls to be determined whether he has been laid-off or kept on short-time—

(i) for four or more consecutive weeks, or

(ii) for a series of six or more weeks (of which not more than three were consecutive) within a period of thirteen weeks as mentioned in section 16(1) of the Act—

the period of twelve consecutive weeks immediately preceding the first of the said four weeks or six weeks, as the case may be.

Application

4. These Regulations apply if—

(*a*) there were normal working hours for the employee when employed under his contract of employment, and

(*b*) at any time during the appropriate period he worked during those hours on days of the week or at times of the day (or both on such days and at such times) which differed from week to week or over a longer period so that the remuneration payable for, or apportionable to, the weeks in which he so worked during the said period varied according to the incidence of the said days or times, or both of them.

Calculation of a week's pay

5.—(1) In the case of an employee in respect of whose employment these Regulations apply the amount of a week's pay shall be the sum produced by multiplying the amount of the average hourly rate of remuneration of the employee (calculated in accordance with paragraphs (2), (3), (4) and (5)) by the number of his average weekly hours (calculated in accordance with paragraph (6)).

(2) In arriving at the said average hourly rate of remuneration only the hours when the employee was working and only the remuneration payable for, or apportionable to, those hours of work shall be brought in and, subject to paragraph (5), the period for which the said average hourly rate of remuneration shall be taken shall be the appropriate period.

(3) Where in arriving at the said average hourly rate of remuneration account has to be taken of remuneration payable for, or apportionable to, work done in hours other than normal working hours and the amount of that remuneration was greater than it would have been if the work had been done in normal working hours, account shall be taken of that remuneration as if—

(*a*) the work had been done in normal working hours; and

(*b*) the amount of that remuneration had been reduced accordingly.

(4) For the purposes of the application of paragraph (3) to a case falling within paragraph 1(2) of Schedule 2 to the Act, paragraph (3) shall be construed as if for the words "had been done in normal working hours", in each place where those words occur, there were substituted the words "had been done in normal working hours falling within the number of hours without overtime (as defined by paragraph 1 of Schedule 2 to the Act)".

(5) If for any week falling within the appropriate period no such remuneration as is mentioned in paragraph (2) was payable by the employer to the employee, account shall be taken of remuneration in earlier weeks so as to bring the number of weeks of which account is taken up to twelve.

(6) The average weekly hours shall be calculated by dividing by twelve the total number of the employee's normal working hours during the appropriate period.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 15th day of November, 1965.

(L.S.) *W. Slinger,*
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide how a week's pay is to be calculated, either for ascertaining the amount of a redundancy payment or for determining the extent of short-time working, in the case of an employee who works on a system of shifts or on a rota or similar system whereby his remuneration for his normal working hours varies according to the day, or the time of day, of the shift or turn of duty.

1965. No. 239 **[C]**

NATIONAL INSURANCE

General Benefit

REGULATIONS, DATED 10TH NOVEMBER, 1965, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1946.

The National Insurance Joint Authority, in exercise of powers conferred by section 74(5) of the National Insurance Act (Northern Ireland) 1946(**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (General Benefit) Amendment Regulations (Northern Ireland) 1965, shall be read as one with the National Insurance (General Benefit) Regulations (Northern Ireland) 1948(**b**) (hereinafter referred to as "the principal regulations") and shall come into operation on 1st December, 1965.

(**a**) 1946. c. 23.
(**b**) S.R. & O. (N.I.) 1948, No. 208 as amended by S.R. & O. (N.I.) 1949, No. 195; No. 196; 1957, No. 161; No. 225; No. 239; 1960, No. 143; No. 194; 1961, No. 3; No. 77; 1962, No. 27; No. 32; 1963, No. 36; 1964, No. 211 and 1965, No. 11.