STATUTORY INSTRUMENTS

1972 No. 55

INDUSTRIAL RELATIONS

The Industrial Relations (Continuity of Employment) Regulations 1972

Made - - -	*24th January* 1972
Laid before Parliament	*1st February* 1972
Coming into Operation	*28th February* 1972

The Secretary of State in exercise of his powers under section 151(3) of the Industrial Relations Act 1971(**a**) and of all other powers enabling him in that behalf hereby makes the following Regulations :-

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Industrial Relations (Continuity of Employment) Regulations 1972 and shall come into operation on 28th February 1972.

(2) The Interpretation Act 1889(**b**) shall apply to these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations "the 1965 Act" and "the 1971 Act" mean the Redundancy Payments Act 1965(**c**) and the Industrial Relations Act 1971 respectively.

Application

2. These Regulations apply to any action taken in relation to the dismissal of an employee which consists—

(*a*) of the presentation by him of a complaint under section 106 of the 1971 Act, or

(*b*) of his making a claim in accordance with the procedure provided for by a procedure agreement designated by an order under section 31 of that Act, or

(*c*) of any action taken by a conciliation officer under section 146(4) of that Act.

Continuity of employment where employee re-engaged

3.—(1) The provisions of this Regulation shall have effect to preserve the continuity of a person's period of employment for the purposes of Schedule 1 to the Contracts of Employment Act 1963(**d**) and for the purposes of that Schedule as applied by the 1965 Act and the 1971 Act.

(**a**) 1971 c. 72.
(**b**) 1889 c. 63.
(**c**) 1965 c. 62.
(**d**) 1963 c. 49.

(2) If in consequence of any action to which these Regulations apply a dismissed employee is re-engaged by his employer or engaged by a successor of that employer or by an associated employer, the continuity of that employee's period of employment shall not be broken by any week falling within the interval beginning with the date of dismissal and ending with the date of re-engagement or engagement as the case may be.

Exclusion of operation of section 24 *of the* 1965 *Act where redundancy payment repaid*

4.—(1) Where in consequence of any action to which these Regulations apply a dismissed employee is re-engaged by his employer or engaged by a successor of that employer or by an associated employer and the terms upon which he is so re-engaged or engaged include provision for him to repay the amount of a redundancy payment paid in respect of the relevant dismissal, section 24 of the 1965 Act (which requires the continuity of the period of employment to be treated as broken where a redundancy payment is paid) shall not apply if that provision is complied with.

(2) For the purposes of this Regulation the cases in which a redundancy payment shall be treated as having been paid are cases mentioned in paragraphs (*a*) and (*b*) of section 24(3) of the 1965 Act.

Signed by order of the Secretary of State.

24th January 1972.

Dudley Smith,
Parliamentary Under Secretary of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

This Order provides for the preservation of continuity of employment where a dismissed employee is re-engaged as a result of action taken under the Industrial Relations Act 1971. The Order also provides that continuity of employment is not broken where any such employee has repaid a redundancy payment made to him.

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