1972 No. 56

INDUSTRIAL RELATIONS

The Industrial Relations (Week's Pay) 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 the powers conferred on him by section 118(2) of the Industrial Relations Act 1971(**a**) hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Relations (Week's Pay) Regulations 1972 and shall come into operation on 28th February 1972.

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

Calculation of a week's pay

2.—(1) Subject to the provisions of Regulation 3 of these Regulations, the amount of the week's pay of any person, for the purposes of section 118(1) of the Industrial Relations Act 1971, shall be:—

(*a*) that calculated in accordance with paragraph 5 of Schedule 1 to the Redundancy Payments Act 1965(**c**), in any case in which the person has been continuously employed for a period necessary to calculate the amount of his week's pay in accordance with that paragraph ;

(*b*) in any other case, the amount which the Industrial Court or the industrial tribunal, as the case may be, considers would have represented a week's pay calculated in accordance with that paragraph if the person had been continuously employed for the necessary period, having regard to whichever of the following considerations is most appropriate—

(i) any remuneration received by the person in the employment in question ; or

(ii) the amount offered to the person as remuneration in respect of the employment in question ; or

(iii) the remuneration received by other persons engaged in relevant comparable employment from the same employer ; or

(iv) the remuneration received by other persons engaged in relevant comparable employment from other employers.

3.—(1) This Regulation applies to any employment to which the Redundancy Payments Shift and Rota Workers Regulations 1965(**d**) apply.

(**a**) 1971 c. 72.
(**b**) 1889 c. 63.
(**c**) 1965 c. 62.
(**d**) S.I.1965/1921 (1965 III, p. 5772).

(2) In any case concerning a person employed in, or seeking to be employed in, any employment to which this Regulation applies, the amount of the week's pay of that person, for the purposes of section 118(1) of the Industrial Relations Act 1971, shall be:—

(*a*) that calculated in accordance with Regulation 5 of the Redundancy Payments Shift and Rota Workers Regulations 1965, in any case in which the person has been continuously employed for the period necessary to calculate the amount of his week's pay in accordance with that Regulation;

(*b*) in any other case, the amount which the Industrial Court or the industrial tribunal, as the case may be, considers would have represented a week's pay calculated in accordance with that Regulation if the person had been continuously employed for the necessary period, having regard to whichever of the following considerations is most appropriate—

(i) any remuneration received by the person in respect of the employment in question; or

(ii) the amount offered to the person as remuneration in respect of the employment in question; or

(iii) the remuneration received by other persons engaged in relevant comparable employment from the same employer; or

(iv) the remuneration received by other persons engaged in relevant comparable employment from other employers.

Modification of the expressions "contract of employment" and "employee"

4. For the purposes of these Regulations, "contract of employment" shall be taken to include any terms and conditions under which a person works and "employee" shall be taken to include any person who is a "worker" as defined in the Industrial Relations Act 1971, wherever those expressions appear in Schedule 2 to the Contracts of Employment Act 1963(**a**), paragraph 5 of Schedule 1 to the Redundancy Payments Act 1965 and the Redundancy Payments Shift and Rota Workers Regulations 1965.

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.*)

These Regulations, which come into force on 28th February 1972, provide for the calculation of a week's pay for the purpose of determining the maximum amount of compensation which the Industrial Court or an industrial tribunal may award on the determination of a complaint under section 103, section 106 or section 109 of the Industrial Relations Act 1971.

(**a**) 1963 c. 49.

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