STATUTORY INSTRUMENTS

1976 No. 660

TERMS AND CONDITIONS OF EMPLOYMENT

The Labour Relations (Continuity of Employment) Regulations 1976

Made - - - -	*27th April* 1976
Laid before Parliament	*11th May* 1976
Coming into Operation	*1st June* 1976

The Secretary of State in exercise of his powers under paragraph 30(3) of Schedule 1 to the Trade Union and Labour Relations Act 1974**(a)** as amended by paragraph 30 of Part III of Schedule 16 to the Employment Protection Act 1975**(b)** and of all other powers enabling him in that behalf hereby makes the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as The Labour Relations (Continuity of Employment) Regulations 1976 and shall come into operation on 1st June 1976.

(2) As from that date the Industrial Relations (Continuity of Employment) Regulations 1972**(c)** shall cease to have effect.

Interpretation

2.—(1) The Interpretation Act 1889**(d)** shall apply to these Regulations as it applies to the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(2) In these Regulations, unless the context otherwise requires—

"the 1965 Act" means the Redundancy Payments Act 1965**(e)**;

"the 1974 Act" means the Trade Union and Labour Relations Act 1974;

"the 1975 Act" means the Employment Protection Act 1975; and

"the effective date of termination" has the same meaning as in paragraph 5(5) of Schedule 1 to the 1974 Act.

Application

3. 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 paragraph 17 of Schedule 1 to the 1974 Act, or

(*b*) of his making a claim in accordance with a dismissals procedure agreement designated by an order under paragraph 13 of that Schedule, or

(*c*) of any action taken by a conciliation officer under paragraph 26(4) of that Schedule.

(a) 1974 c. 52.
(b) 1975 c. 71.
(c) S.I. 1972/55 (1972 I, p. 138).
(d) 1889 c. 63.
(e) 1965 c. 62.

Continuity of employment where employee re-engaged

4.—(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 1972**(a)** and for the purposes of that Schedule as applied by the 1965 Act, the 1974 Act and the 1975 Act.

(2) If in consequence of any action to which these Regulations apply a dismissed employee is reinstated or re-engaged by his employer or by a successor or associated employer of the employer the continuity of that employee's period of employment shall be preserved and, accordingly, any week falling within the interval beginning with the effective date of termination and ending with the date of reinstatement or re-engagement, as the case may be, shall count in the computation of the employee's period of continuous employment.

Exclusion of operation of sections 24 and 24A of the 1965 Act where redundancy or equivalent payment repaid

5.—(1) Where in consequence of any action to which these Regulations apply a dismissed employee is reinstated or re-engaged by his employer or by a successor or associated employer of the employer and the terms upon which he is so reinstated or re-engaged include provision for him to repay the amount of a redundancy payment or an equivalent payment paid in respect of the relevant dismissal, sections 24 or 24A of the 1965 Act (which require the continuity of the period of employment to be treated as broken where a redundancy payment or an equivalent payment is paid and he is subsequently re-engaged) shall not apply if those provisions are 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.
27th April 1976.

Harold Walker,
Minister of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the preservation of continuity of employment where a dismissed employee is reinstated or re-engaged as a result of action taken under the Trade Union and Labour Relations Act 1974. The Regulations also provide that continuity of employment is not broken where any such employee has repaid a redundancy payment or an equivalent payment.

(a) 1972 c. 53.

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