1965 No. 1893

TERMS AND CONDITIONS OF EMPLOYMENT

The Redundancy Payments Rebates Regulations 1965

Made - - - -	1*st November* 1965
Laid before Parliament	5*th November* 1965
Coming into Operation	8*th November* 1965

The Minister of Labour (hereinafter referred to as " the Minister ") in exercise of the powers conferred on him by section 30(4) of the Redundancy Payments Act 1965**(a)** and of all other powers enabling him in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Redundancy Payments Rebates Regulations 1965 and shall come into operation on the 8th November 1965.

Interpretation

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

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" the Act " means the Redundancy Payments Act 1965 ;

" employee " has the meaning assigned to it in subsection (1) of section 25 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 subsection ;

" employer " has the meaning assigned to it in subsection (1) of section 25 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 subsection : Provided that in a case where an employee's remuneration is by virtue of any statutory provision payable to him by a person other than his employer " employer " means that other person ;

" employer's payment " means any payment an employer is liable to make to an employee in any of the circumstances described in paragraphs (a) to (c) of section 30(1) of the Act ;

(a) 1965 c. 62.

(b) 52 & 53 Vict. c. 63.

" local office " means an employment exchange provided by the Minister or any other office appointed by the Minister as a local office for the purposes of these Regulations ;

" rebate " means a payment referred to as such in section 30 of the Act.

Prior notice of expected redundancy

3.—(1) An employer shall give prior notice that a claim for a rebate may arise in consequence of—

(*a*) the termination by him of an employee's contract of employment ; or

(*b*) the expiration of a contract of employment for a fixed term ;

by delivering to a local office a written notice containing the particulars specified in Regulation 4 of these Regulations.

(2) The prior notice required by this Regulation shall be given—

(*a*) in the case of an employee who is one of ten or more employees in the same establishment as respects whom prior notice is required by this Regulation being employees whose contracts of employment are to terminate or expected to terminate on the same day or within a period of not more than six days, not less than twenty-eight days before the date on which the terminations are (or as the case may require the first of them is) to take or expected to take effect ;

(*b*) in any other case, not less than fourteen days before the date on which the termination of the contract of employment is to take or is expected to take effect.

Particulars to be included in prior notice

4.—(1) The written notice required by Regulation 3 of these Regulations shall contain the following particulars in so far as they are within the knowledge of the employer, and if in the case of any of the particulars the required information is not known or not completely known to the employer that fact shall be so stated, that is to say—

(*a*) the employee's name and sex ;

(*b*) the employee's national insurance number ;

(*c*) the employee's income tax reference number ;

(*d*) the employee's date of birth ;

(*e*) the date on which the employee commenced his current period of continuous employment ;

(*f*) the date on which that employment is expected to terminate ;

(*g*) the reason for the expected termination of employment ;

(*h*) the amount of a week's pay calculated in accordance with paragraph 5 of Schedule 1 to the Act.

(2) If the information required under item (*h*) above involves a calculation which it is not practicable for the employer to make in time for the information to be included in the written notice before it has to be delivered to a local office the notice shall be delivered without that information but with

an intimation that it will follow later and the information shall as soon as practicable be delivered to the same local office as that to which the notice was delivered.

(3) In this Regulation the expression "within the knowledge of the employer" means "within the knowledge or means of knowledge of the employer or of his servants or agents" and the expression "known or completely known to the employer" shall be construed accordingly.

Claims for rebate

5.—(1) A claim for a rebate shall be made at a local office before the expiration of the period of six months beginning with the day on which the employer's payment is made or within such further period as the Minister may in any particular case or class of cases allow.

(2) The claim shall be in writing and shall—

(*a*) specify the date on which the employment terminated; and

(*b*) indicate how the amount of the employer's payment has been calculated.

Provision of evidence

6.—(1) Every person who makes or gives prior notice of a claim for a rebate shall provide such evidence and such other information and produce for examination on behalf of the Minister such documents in his custody or under his control as the Minister may require being evidence, information and documents necessary to determine the right of that person to, or the amount of, the rebate.

(2) Unless in any particular case or class of cases the Minister dispenses with this requirement, every claim for a rebate shall be accompanied by a receipt signed by the employee concerned evidencing the payment by the employer to that employee of the employer's payment to which the claim relates.

Amendment of claim forms

7.—(1) This Regulation applies to claims for rebates made within the time prescribed by Regulation 5(1) which specify the employee or employees to which they relate but which for want of a signature or any other reason are incomplete or defective.

(2) Where a claim to which this Regulation applies is made in an amended form—

(*a*) within four weeks of being referred back to the employer by the Minister; or

(*b*) before the expiration of four weeks from the time prescribed by Regulation 5(1);

the amended claim if made at the same local office as the original claim shall be treated as having been made in the first instance.

Dated 1st November 1965.

R. J. Gunter,
Minister of Labour.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the manner and time in which employers are required to claim from the Minister the rebates to which they are entitled in respect of payments made by them to their redundant employees. The Regulations also prescribe what prior notice is required that a claim for a rebate may arise in cases where employees are to be dismissed, or their fixed term contracts are not to be renewed, by reason of redundancy.