STATUTORY INSTRUMENTS

1984 No. 1066

TERMS AND CONDITIONS OF EMPLOYMENT

The Redundancy Rebates Regulations 1984

Made - - - -	19*th July* 1984
Laid before Parliament	1*st August* 1984
Coming into Operation	1*st October* 1984

The Secretary of State in exercise of the powers conferred on him by section 104(5) of the Employment Protection (Consolidation) Act 1978(**a**) ("the 1978 Act") 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 Redundancy Rebates Regulations 1984 and shall come into operation on 1st October 1984.

(2) The Redundancy Payments Rebates Regulations 1965(**b**) and the Redundancy Payments Rebates (Amendment) Regulations 1965(**c**) are hereby revoked except in relation to any case in which the relevant date within the meaning of section 90 of the 1978 Act falls before the date on which these Regulations come into operation.

Interpretation

2. In these Regulations, unless the context otherwise requires—

(*a*) "employee" includes any person in respect of whom the 1978 Act has effect as if he were an employee;

(*b*) "employer" includes any person in respect of whom the 1978 Act has effect as if he were an employer: 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 person;

(*c*) "local office" means a Redundancy Payments Office provided by the Secretary of State or any other office appointed by the Secretary of State as a local office for the purpose of these Regulations.

Claims for rebate

3.—(1) A claim for a redundancy rebate shall be made at a local office before the expiration of the period of six months beginning with the day on which the

(**a**) 1978 c. 44. (**b**) S.I. 1965/1893. (**c**) S.I. 1965/2067.

employer's payment is made or within such further period as the Secretary of State may in any particular case or class of cases allow.

(2) A claim for a redundancy rebate shall be in writing and 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 period of continuous employment;

(*f*) the date on which notice of termination of employment was given to the employee;

(*g*) the date on which the employment terminated;

(*h*) the reason for the termination of employment;

(*i*) the amount of a week's pay calculated in accordance with Schedule 14 to the 1978 Act; and

(*j*) an indication of how the amount of the employer's payment has been calculated.

(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.

Provision of evidence

4.—(1) Every person who makes a claim for a redundancy rebate shall provide such evidence and such other information and produce for examination on behalf of the Secretary of State such documents in his custody or under his control as the Secretary of State 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 Secretary of State dispenses with this requirement, every claim for a redundancy 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

5.—(1) This Regulation applies to claims for redundancy rebates made within the time prescribed by Regulation 3(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 Secretary of State; or

(*b*) before the expiration of four weeks from the time prescribed by Regulation 3(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.

John Selwyn Gummer,
Minister of State,
Department of Employment.

19th July 1984.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations replace the Redundancy Payments Rebates Regulations 1965, as amended by the Redundancy Payments Rebates (Amendment) Regulations 1965, which are revoked. The Regulations prescribe the manner and time in which employers are required to claim from the Secretary of State the rebates to which they are entitled in respect of payments made by them to redundant employees. The main changes introduced by these Regulations are that they do not require employers to give prior notice that a claim for rebate may arise but they require additional information to be given in the claim for rebate.

The Regulations come into operation on 1st October 1984 and apply in all cases in which the relevant date falls after that date.

SI 1984/1066
ISBN 0-11-047066-4

