

Redundancy Payments Act, 1967



Number 21 of 1967

REDUNDANCY PAYMENTS ACT, 1967

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Acts Referred to

Social Welfare Act, 1952	1952, No. 11
Companies Act, 1963	1963, No. 33
Industrial Training Act, 1967	1967, No. 5
Deeds of Arrangement Act, 1887	1887, c. 57
Succession Act, 1965	1965, No. 27
Public Offices Fees Act, 1879	1879, c. 58
Inland Revenue Regulations Act, 1890	1890, c. 21
Stamp Duties Management Act, 1891	1891, c. 38
Stamp Act, 1891	1891, c. 39
Post Office Act, 1908	1908, c. 48
Preferential Payments in Bankruptcy (Ireland) Act, 1889	1889, c. 60
Bankruptcy (Ireland) Amendment Act, 1872	1872, c. 58
Transport Act, 1964	1964, No. 30
Probation of Offenders Act, 1907	1907, c. 17



Number 21 of 1967

REDUNDANCY PAYMENTS ACT, 1967

AN ACT TO PROVIDE FOR THE MAKING BY EMPLOYERS OF PAYMENTS TO EMPLOYEES IN RESPECT OF REDUNDANCY, TO ESTABLISH A REDUNDANCY FUND AND TO REQUIRE EMPLOYERS AND EMPLOYEES TO PAY CONTRIBUTIONS TOWARDS THAT FUND, TO PROVIDE FOR PAYMENTS TO BE MADE OUT OF THAT FUND TO EMPLOYERS AND EMPLOYEES, TO PROVIDE FINANCIAL ASSISTANCE TO CERTAIN UNEMPLOYED PERSONS CHANGING RESIDENCE, AND TO PROVIDE FOR OTHER MATTERS (INCLUDING OFFENCES) CONNECTED WITH THE MATTERS AFORESAID. [18th December, 1967.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I

Preliminary and General

Short title. **1.**—This Act may be cited as the Redundancy Payments Act, 1967.

Interpretation. **2.**—(1) In this Act—

“*the Act of 1952*” means the [Social Welfare Act, 1952](#) ;

“*business*” includes a trade, industry, profession or undertaking, or any activity carried on by a person or body of persons, whether corporate or unincorporate, or by a public or local authority or a Department of State, and the performance of its functions by a public or local authority or a Department of State;

“*date of dismissal*”, in relation to an employee, means—

- (a) where his contract of employment is terminated by notice given by his employer, the date on which that notice expires,
- (b) where his contract of employment is terminated without notice, whether by the employer or by the employee, the date on which the termination takes effect, and
- (c) where he is employed under a contract for a fixed term, and that term expires without the contract being renewed, the date on which that term expires,

and cognate phrases shall be construed accordingly;

“*employee*” means a person who has entered into or works under (or, in the case of a contract which has been terminated, worked under) a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, is express or implied, oral or in writing, and whether it is a contract of service or apprenticeship or otherwise, and “*employer*” and reference to employment shall be construed accordingly;

“*employee's redundancy contribution*” and “*employer's redundancy contribution*” have the meanings assigned to them by section 27;

“*the Employment Service*” means the employment service operated under the control of the Minister and known by that title;

“*lay-off*” has the meaning assigned to it by section 11 (1);

“*lump sum*” has the meaning assigned to it by section 19;

“*the Minister*” means the Minister for Labour;

“*prescribed*” means prescribed by regulations made by the Minister under this Act;

“*rebate*” has the meaning assigned to it by section 29;

“*redundancy payment*” has the meaning assigned to it by section 7;

“*short-time*” has the meaning assigned to it by section 11 (2);

“*sickness*” or “*illness*” includes being incapable of work within the meaning of the Act of 1952;

“*special redundancy scheme*” has the meaning assigned to it by section 47;

“*the Tribunal*” has the meaning assigned to it by section 39 (1);

“*week*”, in relation to an employee whose remuneration is calculated weekly by a week ending on a day other than Saturday, means a week ending on that other day and, in relation to any other employee, means a week ending on Saturday, and “*weekly*” shall be construed accordingly;

“*weekly payment*” has the meaning assigned to it by section 30.

(2) In this Act a reference to a Part, section or schedule is to a Part or section of, or schedule to, this Act unless it is indicated that reference to some other enactment is intended.

(3) In this Act a reference to a subsection, paragraph, sub-paragraph or other division is to the subsection, paragraph, sub-paragraph or other division of the provision (including a schedule) in which the reference occurs, unless it is indicated that reference to another provision is intended.

(4) For the purposes of the operation of this Act in relation to an employee whose remuneration is payable to him by a person other than his employer, reference in this Act to an employer shall be

construed as reference to the person by whom the remuneration is payable.

Commencement. **3.**—This Act shall come into operation on such day as the Minister appoints by order.

Classes of persons to which this Act applies.

4.—(1) Subject to this section and to [section 47](#) this Act shall apply to employees employed in employment which is insurable for all benefits under the Social Welfare Acts, 1952 to 1966 and to employees who were so employed in such employment in the period of two years ending on the date of termination of employment.

(2) This Act shall not apply to a person who is normally expected to work for the same employer for less than 21 hours in a week.

(3) (a) For the purpose of the application of this Act to an employee who is employed in a private household this Act (other than section 20) shall apply as if the household were a business and the maintenance of the household were the carrying on of that business by the employer.

(b) This Act shall not apply to any person in respect of employment where the employer is the father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, halfbrother or halvesister of the employee, where the employee is a member of the employer's household and the employment is related to a private dwelling house or a farm in or on which both the employer and the employee reside.

(4) The Minister may by order declare that this Act shall not apply to a class or classes of persons specified in the order and from the commencement of the order this Act shall not apply to that class or those classes.

(5) Notwithstanding subsection (2), the Minister may by order declare that this Act shall apply to a specified class of worker and from the commencement of the order this Act shall apply to that class.

(6) The Minister may by order amend or revoke an order under this section.

Laying of regulations and certain draft orders before Houses of Oireachtas.

5.—(1) Whenever an order is proposed to be made under section 4 (4), 4 (5), 4 (6), 19 (3), 28 (3), 30 (3) or 47, a draft of the proposed order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

PART II

Redundancy Payment

Definitions for Part II.

6.—In this Part—

“*cease*” means cease either temporarily or permanently and from whatever cause;

“*lock-out*” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

“*notice of intention to claim*” has the meaning assigned to it by section 12;

“*redundancy certificate*” has the meaning assigned to it by section 18;

“*strike*” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

General right to
redundancy
payment.

7.—(1) An employee, if he is dismissed by his employer by reason of redundancy or is laid off or kept on short-time for the minimum period, shall, subject to this Act, be entitled to the payment of moneys which shall be known (and are in this Act referred to) as redundancy payment provided—

(a) he has been employed for the requisite period, and

(b) he was an employed contributor in employment which was insurable for all benefits under the [Social Welfare Acts, 1952](#) to 1966, immediately before the date of the termination of his employment, or had ceased to be ordinarily employed in employment which was so insurable in the period of two years ending on that date.

(2) For the purposes of subsection (1), an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to—

(a) the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased or intends to cease, to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed have ceased or diminished or are expected to cease or diminish.

(3) For the purposes of subsection (1), an employee shall be taken as having been laid off or kept on short-time for the minimum period if he has been laid off or kept on short-time for a period of four or more consecutive weeks, or for a period of six or more weeks which are not consecutive but which fall within a period of thirteen consecutive weeks.

(4) Notwithstanding any other provision of this Act, where an employee who has been serving a period of apprenticeship training with an employer under an apprenticeship agreement is dismissed within one month after the end of that period, that employee shall not, by reason of that dismissal, be entitled to redundancy payment.

(5) In this section “*requisite period*” means a period of 208 weeks' continuous employment (within the meaning of Schedule 3) of the employee by the employer who dismissed him, laid him off or kept him on short-time, but excluding any period of employment with that employer before the employee had attained the age of 16 years.

Qualification of
general right
under section 7.

8.—(1) Notwithstanding anything in section 7, where an employee who has been dismissed by reason of redundancy or laid off has, during the period of the four years immediately preceding the date of dismissal or the lay-off, been laid off for an average annual period of more than twelve weeks, the following provisions shall have effect:

- (a) that employee shall not become entitled to redundancy payment by reason of dismissal or lay-off until a period equal to the average annual period of lay-off over the said four-year period in relation to that employee has elapsed after the date of dismissal or lay-off;
- (b) if, before the termination of the period required to elapse under paragraph (a), that employee resumes work with the same employer, that employee shall not be entitled to redundancy payment in relation to that dismissal or lay-off;
- (c) if, before the termination of the period required to elapse under paragraph (a), the employer offers to re-employ that employee and that employee unreasonably refuses the offer, he shall not be entitled to redundancy payment in relation to that dismissal or lay-off.

(2) In a case where this section applies, the period of four weeks first referred to in section 12 (2) or the period of thirteen weeks referred to in that section shall not commence until the expiration of the period (referred to in subsection (1) (a)) equal to the appropriate average annual period of lay-off.

Dismissal by
employer.

9.—(1) For the purposes of this Part an employee shall, subject to this Part, be taken to be dismissed by his employer if but only if—

- (a) the contract under which he is employed by the employer is terminated by the employer, whether by or without notice, or
- (b) where under the contract under which he is employed by the employer he is employed for a fixed term, that term expires without being renewed under the same or a similar contract, or
- (c) the employee terminates the contract under which he is employed by the employer without notice in circumstances (not falling within subsection (5)) such that he is entitled so to terminate it by reason of the employer's conduct.

(2) An employee shall not be taken for the purposes of this Part to be dismissed by his employer if his contract of employment is renewed, or he is re-engaged by the same employer under a new contract of employment, and—

- (a) in a case where the provisions of the contract as renewed or of the new contract as to the capacity and place in which he is employed, and as to the other terms and conditions of his employment, do not differ from the corresponding provisions of the previous contract, the renewal or re-engagement takes effect immediately on the ending of his employment under the previous contract, or
- (b) in any other case, the renewal or re-engagement is in pursuance of an offer in writing made

by his employer before the ending of his employment under the previous contract, and takes effect either immediately on the ending of that employment or after an interval of not more than four weeks thereafter.

(3) (a) An employee shall not be taken for the purposes of this Part as having been dismissed by his employer if—

(i) he is re-engaged by another employer (hereinafter referred to as the new employer) immediately on the termination of his previous employment,

(ii) the re-engagement takes place with the agreement of the employee, the previous employer and the new employer,

(iii) before the commencement of the period of employment with the new employer the employee receives a statement in writing on behalf of the previous employer and the new employer which—

(A) sets out the terms and conditions of the employee's contract of employment with the new employer,

(B) specifies that the employee's period of service with the previous employer will, for the purposes of this Act, be regarded by the new employer as service with the new employer,

(C) contains particulars of the service mentioned in clause (B), and

(D) the employee notifies in writing the new employer that the employee accepts the statement required by this subparagraph.

(b) Where in accordance with this subsection an employee is re-engaged by the new employer, the service of that employee mentioned in paragraph (a) (ii) shall for the purposes of this Act be deemed to be service with the new employer.

(4) For the purposes of the application of subsection (2) to a contract under which the employment ends on a Friday, Saturday or Sunday—

(a) the renewal or re-engagement shall be treated as taking effect immediately on the ending of the employment under the previous contract if it takes effect on or before the next Monday after that Friday, Saturday or Sunday, and

(b) the interval of four weeks mentioned in subsection (2) (b) shall be calculated as if the employment had ended on that Monday.

(5) When an employee terminates his contract of employment without notice, being entitled to do so by reason of a lock-out by his employer, subsection (1) (c) shall not apply to that termination.

(6) Where by virtue of subsection (2) an employee is treated as not having been dismissed by reason of a renewal or re-engagement taking effect after an interval, then, in determining for the purposes of section 7 (1) whether he has been continuously employed for the requisite period, the period of that interval shall count as a period of employment.

(7) In determining for the purposes of this Act whether at a particular time before the commencement of this Act an employee was dismissed by his employer, the appropriate provisions of this section shall apply as if the matter to be decided occurred after such commencement.

Employee
anticipating
expiry of
employer's
notice.

10.—(1) This section shall have effect where—

(a) an employer gives notice to an employee to terminate his contract of employment, and

(b) at a time within the obligatory period of that notice, the employee gives notice in writing to the employer to terminate the contract of employment on a date earlier than the date on which the employer's notice is due to expire.

(2) Subject to subsection (3), in the circumstances specified in subsection (1) the employee shall, for the purposes of this Part, be taken to be dismissed by his employer, and the date of dismissal in relation to that dismissal shall be the date on which the employee's notice expires.

(3) If, before the employee's notice is due to expire, the employer gives him notice in writing—

(a) requiring him to withdraw his notice terminating the contract of employment as mentioned in subsection (1) (b) and to continue in the employment until the date on which the employer's notice expires, and

(b) stating that, unless he does so, the employer will contest any liability to pay to him a redundancy payment in respect of the termination of his contract of employment,

but the employee unreasonably refuses to comply with the requirements of that notice, the employee shall not be entitled to a redundancy payment by virtue of subsection (2).

(4) In this section—

(a) if the actual period of the employer's notice (that is to say, the period beginning at the time when the notice is given and ending at the time when it expires) is equal to the minimum period which (whether by virtue of any enactment or otherwise) is required to be given by the employer to terminate the contract of employment, "*the obligatory period*", in relation to that notice, means the actual period of the notice;

(b) in any other case,

"*the obligatory period*", in relation to an employer's notice, means that period which, being equal to the minimum period referred to in paragraph (a), expires at the time when the employer's notice expires.

Lay-off and
short-time.

11.—(1) Where after the commencement of this Act an employee's employment ceases by reason of his employer's being unable to provide the work for which the employee was employed to do, and

—

(a) it is reasonable in the circumstances for that employer to believe that the cessation of employment will not be permanent, and

(b) the employer gives notice to that effect to the employee prior to the cessation,
that cessation of employment shall be regarded for the purposes of this Act as lay-off.

(2) Where by reason of a diminution in the work provided for an employee by his employer (being work of a kind which under his contract the employee is employed to do) the employee's remuneration for any week is less than one-half of his normal weekly remuneration, he shall for the purposes of this Part be taken to be kept on short-time for that week.

Right to
redundancy
payment by
reason of lay-off
or short-time.

12.—(1) An employee shall not be entitled to redundancy payment by reason of having been laid off or kept on short-time unless he gives to his employer notice (in this Part referred to as a notice of intention to claim) in writing of his intention to claim redundancy payment in respect of lay-off or short-time.

(2) An employee who has given a notice of intention to claim shall not be entitled to redundancy payment in pursuance of that notice unless within a period of one month from the date of that notice, or, where the matter has been referred to the Appeals Tribunal, within one month from the date of notification to the employee of the Tribunal's decision, he duly terminates his contract of employment by giving the notice required by that contract or, if no notice is so required, by giving to his employer not less than one week's notice in writing of the employee's intention to terminate that contract, and, before the service of the notice of intention to claim, either—

(a) he has been laid off or kept on short-time for four or more consecutive weeks of which the last before the service of the notice ended on the date of service thereof or ended not more than four weeks before that date, or

(b) he has been laid off or kept on short-time for a series of six or more weeks (of which not more than three were consecutive) within a period of thirteen weeks, where the last week of the series before the service of the notice ended on the date of service thereof or ended not more than four weeks before that date.

Right of
employer to give
counter-notice.

13.—(1) Subject to subsection (2), an employee shall not be entitled to a redundancy payment in pursuance of a notice of intention to claim if, on the date of service of that notice, it was reasonably to be expected that the employee (if he continued to be employed by the same employer) would, not later than four weeks after that date, enter upon a period of employment of not less than thirteen weeks during which he would not be laid off or kept on short-time for any week.

(2) Subsection (1) shall not apply unless, within seven days after the service of the notice of intention to claim, the employer gives to the employee notice (in this Part referred to as a counter-notice) in writing that he will contest any liability to pay to him a redundancy payment in pursuance of the notice of intention to claim.

(3) If, in a case where an employee gives notice of intention to claim and the employer gives a counter-notice, the employee continues or has continued, during the next four weeks after the date of service of the notice of intention to claim, to be employed by the same employer, and he is or has been laid off or kept on short-time for each of those weeks, it shall be conclusively presumed that the condition specified in subsection (1) was not fulfilled.

(4) For the purposes of section 12 (2) and for the purposes of subsection (3)—

- (a) it is immaterial whether a series of weeks (whether it is four weeks, or four or more weeks, or six or more weeks) consists wholly of weeks for which the employee is laid off or wholly of weeks for which he is kept on short-time or partly of the one and partly of the other;
- (b) no account shall be taken of any week for which an employee is laid off or kept on short-time where the lay-off or short-time is wholly or mainly attributable to a strike or a lock-out, whether the strike or lock-out is in the trade or industry in which the employee is employed or not and whether it is in the State or elsewhere.

Disentitlement to redundancy payment because of dismissal for misconduct.

14.—(1) Subject to subsection (2), an employee who has been dismissed shall not be entitled to redundancy payment if his employer, being entitled to terminate that employee's contract of employment without notice by reason of the employee's conduct, terminates the contract because of the employee's conduct—

- (a) without notice,
- (b) by giving shorter notice than that which, in the absence of such conduct, the employer would be required to give to terminate the contract, or
- (c) by giving notice (other than such notice as is mentioned in subparagraph (b)) which includes, or is accompanied by, a statement in writing that the employer would, by reason of such conduct, be entitled to terminate the contract without notice.

(2) When an employee who has received the notice required by section 17 takes part, before the date of dismissal, in a strike and his employer by reason of such participation, terminates the contract of employment with the employee in a manner mentioned in subsection (1), that subsection shall not apply to such termination.

(3) Where an employee who has given notice to terminate his contract of employment by reason of lay-off or short-time takes part, before the expiry of the notice, in a strike and, by reason of such participation, is dismissed, subsection (1) shall not apply.

Disentitlement to redundancy payment for refusal to accept alternative employment.

15.—(1) An employee who has received the notice required by section 17 shall not be entitled to a redundancy payment if in the period of two weeks ending on the date of dismissal—

- (a) his employer has offered to renew that employee's contract of employment or to re-engage him under a new contract of employment,
- (b) the provisions of the contract as renewed, or of the new contract, as to the capacity and place in which he would be employed and as to the other terms and conditions of his employment would not differ from the corresponding provisions of the contract in force immediately before his dismissal,
- (c) the renewal or re-engagement would take effect on or before the date of dismissal, and
- (d) he has unreasonably refused the offer.

(2) An employee who has received the notice required by section 17 shall not be entitled to a redundancy payment if in the period of two weeks ending on the date of dismissal—

- (a) his employer has made to him in writing an offer to renew the employee's contract of employment or to re-engage him under a new contract of employment,
- (b) the provisions of the contract as renewed, or of the new contract, as to the capacity and place in which he would be employed and as to the other terms and conditions of his employment would differ wholly or in part from the corresponding provisions of his contract in force immediately before his dismissal,
- (c) the offer constitutes an offer of suitable employment in relation to the employee,
- (d) the renewal or re-engagement would take effect not later than four weeks after the date of dismissal, and
- (e) he has unreasonably refused the offer.

(3) Where a person who is entitled to a weekly payment has been offered suitable employment by the Employment Service and has unreasonably refused that offer, that person shall be disqualified from receiving a weekly payment for a period not exceeding six weeks.

Associated
companies.

16.—(1) Where the employer is a company, any reference in this Part to re-engagement by the employer shall be construed as a reference to re-engagement by that company or by an associated company, and any reference in this Part to an offer made by the employer shall be construed as including a reference to an offer made by an associated company.

(2) Subsection (1) shall not affect the operation of section 20 in a case where the previous owner and new owner (as defined by that section) are associated companies; and where that section applies, subsection (1) shall not apply.

(3) Where an employee is dismissed by his employer, and the employer is a company (in this subsection referred to as the employing company) which has one or more associated companies, then if—

- (a) neither of the conditions specified in sections 7 (2) (a) and 7 (2) (b) is fulfilled, but
- (b) one or other of those conditions would be fulfilled if the business of the employing company and the business of the associated company (or, if more than one, each of the associated companies) were treated as together constituting one business,

that condition shall for the purposes of this Part be taken to be fulfilled in relation to the dismissal of the employee.

(4) For the purposes of this section two companies shall be taken to be associated companies if one is a subsidiary of the other, or both are subsidiaries of a third company, and “*associated company*” shall be construed accordingly.

(5) In this section—

“*company*” includes any body corporate;

“*subsidiary*” has the same meaning as, by virtue of [section 155](#) of the [Companies Act, 1963](#) , it has for the purposes of that Act.

Notice of proposed dismissal for redundancy.

17.—(1) An employer who proposes to dismiss by reason of redundancy an employee who has not less than four years service with that employer shall, not later than two weeks before the date of dismissal, give to the employee notice in writing of the proposed dismissal and send to the Minister a copy of that notice.

(2) The Minister may make regulations for giving effect to this section and, without prejudice to the generality of the foregoing, regulations under this section may relate to all or any of the following matters—

(a) the particulars to be stated in the notice,

(b) the method of service of the notice,

(c) the furnishing to the Minister of a copy of the notice and the time for furnishing such a copy.

(3) An employer who fails to comply with this section or who furnishes false information in a notice under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Redundancy certificate.

18.—(1) When an employer dismisses an employee by reason of redundancy he shall give to the employee a certificate (in this Part referred to as a redundancy certificate).

(2) Whenever an employee terminates his contract of employment in accordance with section 12 (2) his employer shall give him a redundancy certificate.

(3) The Minister may make regulations for giving effect to this section and, without prejudice to the generality of the foregoing, may prescribe the particulars to be stated on a redundancy certificate.

(4) An employer who fails to comply with this section or who furnishes false information in a redundancy certificate shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Payment of lump sum by employer.

19.—(1) Upon the dismissal by reason of redundancy of an employee who is entitled under this Part to redundancy payment, or upon the termination by such an employee in accordance with section 12 (2) of his contract of employment, his employer shall pay to him an amount which is referred to in this Act as the lump sum.

(2) Schedule 3 shall apply in relation to the lump sum.

(3) The Minister may by order amend Schedule 3.

Change of ownership of business.

20.—(1) This section shall have effect where—

(a) a change occurs (whether by virtue of a sale or other disposition or by operation of law) in

the ownership of a business for the purposes of which a person is employed, or of a part of such a business, and

(b) in connection with that change the person by whom the employee is employed immediately before the change occurs (in this section referred to as the previous owner) terminates the employee's contract of employment, whether by or without notice.

(2) If, by agreement with the employee, the person (in this section referred to as the new owner) who immediately after the change occurs is the owner of the business or of the part of the business in question as the case may be renews the employee's contract of employment (with the substitution of the new owner for the previous owner) or re-engages him under a new contract of employment, section 9 (2) shall have effect as if the renewal or re-engagement had been a renewal or re-engagement by the previous owner (without any substitution of the new owner for the previous owner).

(3) If the new owner offers to renew the employee's contract of employment (with the substitution of the new owner for the previous owner) or to re-engage him under a new contract of employment, but the employee refuses the offer, section 15 (1) or section 15 (2) (as may be appropriate) shall have effect, subject to subsection (4) of this section, in relation to that offer and refusal as it would have had effect in relation to the like offer made by the previous owner and a refusal of that offer by the employee.

(4) For the purposes of the operation, in accordance with subsection (3) of this section, of section 15 (1) or 15 (2) in relation to an offer made by the new owner,—

(a) the offer shall not be treated as one whereby the provisions of the contract as renewed, or of the new contract, as the case may be, would differ from the corresponding provisions of the contract as in force immediately before the dismissal by reason only that the new owner would be substituted for the previous owner as the employer, and

(b) no account shall be taken of that substitution in determining whether the refusal of the offer was unreasonable.

(5) Subsections (1) to (4) shall have effect (subject to the necessary modifications) in relation to a case where—

(a) the person by whom a business, or part of a business, is owned immediately before a change is one of the persons by whom (whether as partners, trustees or otherwise) it is owned immediately after the change, or

(b) the persons by whom a business, or part of a business, is owned immediately before a change (whether as partners, trustees or otherwise) include the person by whom, or include one or more of the persons by whom, it is owned immediately after the change,

as those provisions have effect where the previous owner and the new owner are wholly different persons.

(6) Nothing in this section shall be construed as requiring any variation of a contract of employment by agreement between the parties to be treated as constituting a termination of the contract.

termination of contract.

employer or any event affecting an employer (including, in the case of an individual, his death) operates so as to terminate a contract under which an employee is employed by him, that act or event shall for the purposes of this Act be treated as a termination of the contract by the employer, if apart from this subsection, it would not constitute a termination of the contract by him.

(2) Where—

(a) subsection (1) applies,

(b) the employee's contract of employment is not renewed, and

(c) he is not re-engaged under a new contract, as provided by section 9 (2),

he shall for the purposes of this Act be taken to be dismissed by reason of redundancy if the circumstances in which the contract is not renewed and he is not re-engaged (as provided by the said section 9 (2)) are wholly or mainly attributable to a fact specified in section 7 (2) (a) or 7 (2) (b).

(3) For the purposes of subsection (2), section 7 (2) (a), in so far as it relates to the employer ceasing or intending to cease to carry on the business, shall be construed as if the reference to the employer included a reference to any person to whom, in consequence of the act or event in question, power to dispose of the business has passed.

(4) In this section reference to section 9 (2) includes reference to that section as applied by section 20 (2).

Application of this Part upon employer's or employee's death.

22.—(1) Part I of Schedule 2 shall have effect in relation to the death of an employer.

(2) Part 2 of Schedule 2 shall have effect in relation to the death of an employee.

Modification of right to redundancy payment where previous redundancy payment has been paid.

23.—(1) This section shall apply where—

(a) a lump sum is paid to an employee under section 19, whether in respect of dismissal, lay-off or short-time,

(b) the contract of employment under which he was employed (in this section referred to as the previous contract) is renewed, whether by the same or another employer, or he is re-engaged under a new contract of employment, whether by the same or another employer, and

(c) the circumstances of the renewal or re-engagement are such that, in determining for the purposes of section 7 (1) or Schedule 3 whether at any subsequent time he has been continuously employed for the requisite period, or for what period he has been

continuously employed, the continuity of his period of employment would, apart from this section, be treated as not having been broken by the termination of the previous contract and the renewal or re-engagement.

(2) In determining for the purposes of section 7 (1) or section 19 in a case to which this section applies whether at any subsequent time an employee has been continuously employed for the requisite period, or for what period he has been continuously employed, the continuity of the period of employment shall be treated as having been broken at the date which was the date of dismissal in relation to the lump sum mentioned in subsection (1) (a), and any time before that date shall be disregarded.

(3) For the purposes of this section a lump sum shall be treated as having been paid if the whole of the payment has been paid to the employee by the employer or if the Minister has paid a sum to the employee in respect of the redundancy payment under section 32.

Time-limit on claims for redundancy payment.

24.—Notwithstanding any other provision of this Act, an employee shall not be entitled to a lump sum unless before the end of the period of thirty weeks beginning on the date of dismissal or the date of termination of employment—

(a) the payment has been agreed and paid, or

(b) the employee has made a claim for the payment by notice in writing given to the employer, or

(c) a question as to the right of the employee to the payment, or as to the amount of the payment, has been referred to the Tribunal under section 39.

Employment wholly or partly abroad.

25.—(1) An employee shall not be entitled to redundancy payment if on the date of dismissal he is outside the State, unless under his contract of employment he ordinarily worked in the State.

(2) An employee who under his contract of employment ordinarily works outside the State shall not be entitled to redundancy payment unless, immediately before he commenced to work outside the State, he was domiciled in the State and was in the employment of the employer concerned and unless—

(a) he was in the State in accordance with the instructions of his employer on the date of dismissal, or

(b) he had not been afforded a reasonable opportunity by his employer of being in the State on that date.

(3) In computing, for the purposes of this Act, for what period of service a person was in continuous employment, any period of service in the employment of the employer concerned while the employee was outside the State shall be deemed to have been service in the employment of that employer within the State.

(4) Where an employee who has worked for his employer outside the State becomes entitled to redundancy payment under this Act, the employer in making any lump sum payment due to the employee under section 19 shall be entitled to deduct from that payment any redundancy payment to which that employee may have been entitled under a statutory scheme relating to redundancy in the State in which he was working.

PART III

Redundancy Fund

Establishment of the Redundancy Fund.

26.—(1) For the purposes of this Act there shall be established a fund which shall be known as the Redundancy Fund, into which there shall be paid all moneys received by the Minister under this Part and out of which payments shall be made in accordance with this Act.

(2) The Redundancy Fund shall comprise a current account, to be managed and controlled by the Minister, and an investment account, to be managed and controlled by the Minister for Finance.

(3) Save where otherwise specifically provided, sums payable into the Redundancy Fund shall be paid into the current account thereof and sums payable out of the Redundancy Fund shall be paid out of that account.

(4) Moneys standing to the credit of the current account of the Redundancy Fund and not required to meet current expenditure shall be transferred to the investment account of the Redundancy Fund.

(5) Whenever the moneys in the current account of the Redundancy Fund are insufficient to meet the liabilities of that account, there shall be transferred to that account from the investment account of the Redundancy Fund such sums as may be necessary for the purpose of discharging those liabilities.

(6) Subject to subsection (5), moneys standing to the credit of the investment account of the Redundancy Fund shall be invested by the Minister for Finance, and income arising from any such investment shall be paid into that account.

(7) An investment pursuant to subsection (6) may be in any securities in which trustees are for the time being by law empowered to invest trust funds or in any of the stocks, funds and securities as are for the time being authorised by law as investments for Post Office Savings Bank funds.

(8) Accounts of the Redundancy Fund shall be prepared in such form, in such manner and at such times as the Minister for Finance may direct and the Comptroller and Auditor General shall examine and certify every such account and a copy thereof, together with the report thereon of the Comptroller and Auditor General, shall be laid before each House of the Oireachtas.

Financing of Redundancy Fund.

27.—(1) For the purpose of providing moneys for making payments which under this Act are to be made out of the Redundancy Fund there shall be paid into the Fund—

(a) weekly contributions which shall comprise a contribution (in this Part referred to as an employer's redundancy contribution) by employers and a contribution (in this Part referred to as an employee's redundancy contribution) by employees, and

(b) advances as provided for in subsection (2).

(2) The Minister for Finance may, on the recommendation of the Minister, advance from time to time to the Fund such sums as he thinks proper in order to enable the making of such payments out of the Fund as are required by this Act.

(3) Advances to the Redundancy Fund under subsection (2) shall be made on such terms as to

repayments, interest and other matters as the Minister for Finance, in consultation with the Minister, may determine.

(4) All sums paid by the Fund in repayment of an advance under this section or in pursuance of any term or condition subject to which an advance was made under this section shall be paid into or disposed of for the benefit of the Exchequer.

(5) All moneys from time to time required by the Minister for Finance to meet sums which may become payable by him under this section shall be advanced out of the Central Fund or the growing produce thereof.

(6) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof any sums required for that purpose, and for the purpose of such borrowing, he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit, and shall pay all moneys so borrowed into the Exchequer.

(7) The principal of and interest on all securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

(8) The income and expenditure of the Redundancy Fund for a financial year shall be determined for the purposes of this section by the Minister on such basis as may be agreed on between him and the Minister for Finance.

Amount of
weekly
contribution to
Redundancy
Fund.

28.—(1) An employer's redundancy contribution shall be at the rate of eightpence per contribution week in respect of each eligible male employee and sixpence per contribution week in respect of each eligible female employee.

(2) An employee's redundancy contribution shall be at the rate of fourpence per contribution week for an eligible male employee and threepence per contribution week for an eligible female employee.

(3) (a) The Minister may by order vary a rate specified in this section.

(b) The Minister may by order amend or revoke an order under this subsection.

(4) An employer shall be liable in the first instance to pay both the employer's redundancy contribution in respect of himself and also, on behalf of and to the exclusion of each eligible employee, the contribution payable by such employee.

(5) An employer shall be entitled, subject to and in accordance with regulations, to recover from an eligible employee the amount of any redundancy contribution paid or to be paid by him on behalf of that employee, and, notwithstanding anything in any enactment, regulations for the purposes of this subsection may authorise recovery by deductions from the employee's remuneration, but any such regulations shall provide that—

(a) where the employee does not receive any pecuniary remuneration either from the employer or from any other person, the employer shall not be entitled to recover the amount of any

such contribution from him, and

(b) where the employee receives any pecuniary remuneration from the employer, the employer shall not be entitled to recover any such contribution otherwise than by deductions.

(6) Notwithstanding any contract to the contrary, an employer shall not be entitled to deduct from the remuneration of a person employed by him, or otherwise to recover from such a person, the employer's redundancy contribution in respect of that person.

(7) A contribution under this section shall be payable in respect of each contribution week during the whole or any part of which the employee concerned was employed and in respect of which an employment contribution was payable for that employee under the Act of 1952.

(8) In this section—

“*contribution week*” means a period of seven days commencing at midnight on a Sunday;

“*eligible*”, in relation to an employee, means an employee to whom, by virtue of section 4 or an order thereunder, this Act applies.

Rebates to employers from the Redundancy Fund.

29.—(1) Subject to this Part the Minister shall make from the Redundancy Fund a payment to an employer of such sum (in this Part referred to as a rebate) as is equivalent in amount to one-half of each lump sum paid by that employer under section 19.

(2) An employer who gives to the Minister a copy of a notice under section 17 on a date which is three weeks or more before the date of dismissal shall be entitled to a rebate of an amount equal to one-half of the lump sum concerned increased by 2½ per cent. of the lump sum for each week's notice in excess of the period required by section 17; provided that a rebate shall not in any case exceed such sum as is equivalent in amount to 65 per cent. of the relevant lump sum paid by the employer under section 19.

(3) Notwithstanding subsection (1), whenever an employer fails to comply with any provision of section 17, the Minister may at his discretion reduce the amount of the rebate payable in respect of the lump sum paid under section 19 to that employer: provided that the amount of the rebate when so reduced shall not be less than 40 per cent. of the amount of the lump sum.

(4) Where, in a case falling within section 32 (1) (a), the Minister makes a payment under that section to an employee and it appears to the Minister that the refusal or failure of the employer was without reasonable excuse, the Minister may either withhold the rebate to which that employer would otherwise have been entitled or reduce the amount of that rebate to such extent as the Minister thinks appropriate.

Weekly payments to employees from Redundancy Fund.

30.—(1) Upon his dismissal by reason of redundancy or upon the termination by him, in accordance with section 12 (2), of his contract of employment, an employee who is entitled to redundancy payment shall be entitled, subject to this Act, to a weekly payment (in this Act referred to as a weekly payment) from the Redundancy Fund.

(2) The provisions of Schedule 1 shall apply to a weekly payment.

(3) The Minister may by order amend Schedule 1.

Regulations as to entitlement to weekly payment and to allowance under Industrial Training Act, 1967.

31.—(1) The Minister may by regulations provide, in relation to cases where a person is entitled to an allowance under [section 9](#) (1) (g) of the [Industrial Training Act, 1967](#) , and to a weekly payment, for adjusting the amount of such allowance or the amount of such weekly payment.

(2) Notwithstanding any other provision of this Act, regulations under this section may provide that a person to whom the regulations apply shall not be entitled to a weekly payment either at all or for a specified period.

Other payments to employees from Redundancy Fund.

32.—(1) When an employee claims that an employer is liable to pay to him a lump sum under section 19 and either that—

(a) the employee has taken all reasonable steps (other than legal proceedings) to obtain the payment of the lump sum from the employer and the employer has refused or failed to pay it or has paid part of it and has refused or failed to pay the balance, or

(b) the employer is insolvent and the whole or part of the lump sum remains unpaid,

the employee may apply to the Minister for a payment under this section.

(2) If on an application under this section the Minister is satisfied that an employee is entitled to a lump sum under section 19 which remains unpaid either in whole or in part, the Minister shall pay to the employee out of the Redundancy Fund so much of the lump sum as remains unpaid.

(3) Upon the payment by the Minister of a payment under this section all rights and remedies of the employee with respect to the lump sum concerned or, if the Minister has paid part of it, with respect to that part, shall thereupon stand transferred to and become vested in the Minister and any moneys recovered by the Minister by virtue of this subsection shall be paid into the Redundancy Fund; provided, however, that where an employer is insolvent, the Minister shall be entitled to claim in the bankruptcy, arrangement, administration of the insolvent estate or winding up (as the case may be) in respect of, and only in respect of, a sum (if any) equal to the amount of the payment made by the Minister under this section less the amount of the rebate that would have been payable to the employer from the Redundancy Fund under section 29 if the employer had paid the lump sum to the employee.

(4) For the purpose of this section an employer shall be deemed to be insolvent if—

(a) the employer has been adjudicated bankrupt, has filed a petition for arrangement or has executed a deed of arrangement (within the meaning of section 4 of the Deeds of Arrangement Act, 1887),

(b) the employer has died and his estate, being insolvent, is being administered in accordance with the rules set out in Part I of the [First Schedule](#) to the [Succession Act, 1965](#) , or

(c) the employer is a company, and the company is insolvent and being wound up.

Regulations as to payment of

33.—(1) The Minister may make regulations providing for any matters incidental to the payment and collection of contributions under this Part and in particular for—

contributions.

- (a) payment of contributions by means of adhesive stamps (to be known as redundancy stamps) affixed to cards (to be known as redundancy cards) or otherwise, and for regulating the manner, times, and conditions in, at, and under which redundancy stamps are to be affixed or payments are otherwise to be made;
- (b) the issue, custody, production, and surrender of redundancy cards and the replacement of redundancy cards which have been lost, destroyed, or defaced;
- (c) treating, for the purpose of any right under this Act, contributions paid after the due dates as paid on those dates or on such later dates as may be prescribed, or as not having been paid;
- (d) the recovery (without prejudice to any other remedy), on prosecutions brought under this Act, of contributions;
- (e) the return, subject to any conditions, restrictions and deductions specified in the regulations, of any sums paid in error by way of contributions.

(2) Regulations may be made under this section to provide for the payment of contributions by a method other than redundancy stamps, and such regulations may provide for offences and for the recovery on summary conviction of such offences of fines not exceeding specified amounts not exceeding fifty pounds, together with, in the case of continuing offences, further such fines in respect of each of the days on which the offences are continued.

(3) Regulations under this section may provide for the payment of contributions, at the option of the person liable to pay, by a method (hereinafter referred to as the other method) other than a method mentioned in subsection (1) or (2) and, if the other method involves any departments of State in greater administrative expense than would be incurred if the contributions were paid by the method prescribed in regulations made under subsection (1) or (2), the regulations under this subsection may include provision for the payment to the Minister by any person who adopts the other method, and for the recovery by the Minister, of prescribed fees.

(4) The Public Offices Fees Act, 1879, shall not apply in respect of the fees referred to in subsection (3) and all such fees shall be collected and taken in such manner as the Minister for Finance directs from time to time and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of that Minister.

Preparation and issue of redundancy stamps, etc.

34.—(1) Subject to subsection (2), redundancy stamps shall be prepared and issued in such manner as the Revenue Commissioners, with the consent of the Minister for Finance, may direct, and the said Commissioners may, by regulations made by them, provide for applying, with the necessary adaptations, in relation to redundancy stamps, all or any of the provisions (including penal provisions) of the following enactments—

sections 21, 35 and 36 of the Inland Revenue Regulations Act, 1890, the Stamp Duties Management Act, 1891, section 9 of the Stamp Act, 1891 and section 65 of the Post Office Act, 1908,

and may, with the consent of the Minister for Posts and Telegraphs, provide for the sale of redundancy stamps through the Post Office.

(2) The Government may by order provide that any powers and duties of the Revenue Commissioners with reference to redundancy stamps shall be exercised and performed by the Minister for Posts and Telegraphs, either to the exclusion of the Revenue Commissioners or concurrently with the Revenue Commissioners, and any such order may contain such provisions as appear to the Government to be necessary or expedient for giving full effect to the exercise and performance of the duties to which such order relates in the manner provided by such order.

Persons employed by more than one employer, etc.

35.—(1) In relation to persons who—

(a) are employed by more than one employer in any week, or

(b) work under the general control or management of some person other than their immediate employer,

and in relation to any other cases for which it appears to the Minister that special provision is needed, regulations may provide that for the purposes of this Act the prescribed person shall be treated as their employer.

(2) Regulations made relating to persons mentioned in subsection (1) (b) may provide for adjusting the rights between themselves of the person prescribed as the employer, the immediate employer and the persons employed.

Regulations for Part III.

36.—(1) The Minister may make regulations for giving effect to this Part.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision in relation to all or any of the following matters :

(a) requiring an employer entitled to a rebate to make a claim therefor and prescribing the time within which such a claim is to be made;

(b) requiring an employer who has made a claim for a rebate to produce such evidence and other information as may be prescribed and to produce for examination on behalf of the Minister such documents as may be prescribed and are in that employer's custody or under his control;

(c) requiring, in connection with an application made to the Minister under section 32, the employer concerned to produce for examination on behalf of the Minister such documents as may be prescribed and are in the employer's custody or under his control;

(d) requiring an employee who is entitled to a weekly payment to make a claim therefor in the prescribed manner, within the prescribed time and at the prescribed place;

(e) prescribing the method, time and place for the making of weekly payments.

(3) A person who fails to comply with a regulation under subsection (2) (b) or (2) (c) or who, in relation to a regulation requiring information, furnishes false information shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

PART IV

Miscellaneous Provisions

Deciding officers.

37.—The Minister may appoint from his officers such and so many persons as he thinks proper to be deciding officers for the purposes of this Act, and every person so appointed shall hold office as a deciding officer during the pleasure of the Minister.

Decisions by deciding officers.

38.—(1) Subject to this Act and in accordance with any relevant regulations, every question arising—

(a) in relation to a claim for a weekly payment,

(b) as to whether a person is disqualified for a weekly payment,

(c) as to the period of any disqualification for a weekly payment,

(d) as to whether, or at what rate, a redundancy contribution is or was payable by an employer in respect of an employee,

(e) as to who is the employer of an employee, or

(f) on any such other matter relating to this Act as may be prescribed,

shall be decided by a deciding officer.

(2) A reference in this section to a question arising in relation to a claim for a weekly payment includes a reference to a question whether a weekly payment is or is not payable.

Redundancy Appeals Tribunal and appeals and references thereto.

39.—(1) There shall be a Tribunal (which shall be known as the Redundancy Appeals Tribunal and is in this section hereinafter referred to as the Tribunal) to determine the appeals provided for in this section.

(2) The Tribunal shall consist of the following members—

(a) a chairman who shall be a practising barrister or solicitor of 7 years' standing at least,

(b) not more than 3 vice-chairmen, and

(c) not more than 12 ordinary members.

(3) The members of the Tribunal shall be appointed by the Minister and shall be eligible for re-appointment.

(4) The appointments pursuant to subsection (3) of the ordinary members of the Tribunal shall be made—

(a) as to one-half of those members, being persons nominated for that purpose by an organisation representative of trade unions of workers, and

(b) as to the other half of those members, from among persons nominated for that purpose by a body or bodies representative of employers.

(5) The term of office of a member of the Tribunal shall be such period as is specified by the Minister when appointing such member.

(6) (a) A member of the Tribunal may, by letter addressed to the Minister, resign his membership.

(b) A member of the Tribunal may be removed from office by the Minister.

(7) (a) Whenever a vacancy occurs in the membership of the Tribunal and is caused by the resignation, removal from office or death of an ordinary member mentioned in subsection (4) (a), the vacancy shall be filled by the Minister by appointment in the manner specified in that subsection.

(b) Whenever a vacancy occurs in the membership of the Tribunal and is caused by the resignation, removal from office or death of an ordinary member mentioned in subsection (4) (b), the vacancy shall be filled by the Minister by appointment in the manner specified in that subsection.

(8) In the case of a member of the Tribunal filling a vacancy caused by the resignation, removal from office or death of a member before the completion of the term of office of the last-mentioned member, the member filling that vacancy shall hold office for the remainder of the term of office of the person who so resigned, died or was so removed from office.

(9) A vice-chairman of the Tribunal shall act as chairman thereof when so required by the chairman or the Minister and when so acting shall have all the powers of the chairman.

(10) A member of the Tribunal shall be paid such remuneration (if any) and allowances as may be determined by the Minister with the consent of the Minister for Finance.

(11) Whenever the chairman of the Tribunal is of opinion that, for the speedy dispatch of the business of the Tribunal, it is expedient that the Tribunal should act by divisions, he may direct accordingly and, until he revokes his direction, the Tribunal shall be grouped as so directed.

(12) Each division of the Tribunal shall consist of either the chairman or a vice-chairman of the Tribunal, an ordinary member of the Tribunal mentioned in subsection (4) (a) and an ordinary member of the Tribunal mentioned in subsection (4) (b).

(13) The Minister may, with the consent of the Minister for Finance, appoint such officers and servants of the Tribunal as he considers necessary to assist the Tribunal in the performance of its functions, and such officers and servants shall hold office on such terms and receive such remuneration as the Minister for Finance determines.

(14) The decision of the Tribunal on any question referred to it under this section shall be final and conclusive, save that any person dissatisfied with the decision may appeal therefrom to the High Court on a question of law.

(15) Any employer who is dissatisfied with a decision given by the Minister in relation to a rebate or with any decision given by a deciding officer in relation to any question specified in section 38 (1) (d), 38 (1) (e) or 38 (1) (f), or any employee who is dissatisfied with a decision given by a deciding officer under section 38 or with any decision of an employer under this Act may, on giving notice of appeal to the Minister in the prescribed manner, have the question referred to the Tribunal for a decision thereon; provided however, that the Tribunal shall not be competent to decide whether or not an employee is or was at the material time in employment which is or was insurable for all benefits under the [Social Welfare Acts, 1952](#) to 1966.

(16) A deciding officer may if he so thinks proper, instead of deciding it himself, refer in the prescribed manner to the Tribunal for a decision thereon any question which falls to be decided by him under section 38.

(17) (a) The Tribunal shall, on the hearing of any matter referred to it under this section, have power to take evidence on oath and for that purpose may cause to be administered oaths to persons attending as witnesses at such hearing.

(b) Any person who, upon examination on oath authorised under this subsection, wilfully and corruptly gives false evidence or wilfully and corruptly swears anything which is false, being convicted thereof, shall be liable to the penalties for wilful and corrupt perjury.

(c) The Tribunal may, by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice to give evidence in relation to any matter referred to the Tribunal under this section or to produce any documents in his possession, custody or control which relate to any such matter.

(d) A notice under paragraph (c) may be given either by delivering it to the person to whom it relates or by sending it by post in a prepaid registered letter addressed to such person at the address at which he ordinarily resides.

(e) A person to whom a notice under paragraph (c) has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to produce any document to which the notice relates shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(18) The Tribunal shall submit an annual report to the Minister which shall be published.

(19) The Minister may make regulations giving effect to this section and such regulations may, in particular but without prejudice to the generality of the foregoing, provide for all or any of the following matters—

(a) the procedure to be followed regarding the submission of appeals to the Tribunal,

(b) the times and places of hearings by the Tribunal,

(c) the representation of parties attending hearings by the Tribunal,

(d) procedure regarding the hearing of appeals by the Tribunal,

- (e) publication and notification of decisions of the Tribunal,
- (f) notices relating to appeals or hearings by the Tribunal,
- (g) the award by the Tribunal of costs and expenses and the payment of such awards,
- (h) an official seal of the Tribunal,
- (i) for treating the Minister as a party to any proceedings before the Tribunal where he would not otherwise be a party to them and entitling him to appear and be heard accordingly.

Reference and appeal to the High Court.

40.—Where any question, other than a question specified in section 38 (1) (a), 38 (1) (b) or 38 (1) (c), is referred to the Tribunal—

- (a) the Minister may, on the request of the Tribunal, refer the question for the decision of the High Court, and
- (b) if the question is decided by the Tribunal, any person who is dissatisfied with the decision may appeal therefrom to the High Court on any question of law.

Revision of decisions.

41.—(1) A deciding officer may, at any time and from time to time, revise any decision of a deciding officer, if it appears to him that the decision was erroneous in the light of new evidence or of new facts which have been brought to his notice since the date on which it was given or by reason of some mistake having been made with respect to the law or the facts, or if it appears to him in a case where a weekly payment has been payable that there has been any relevant change of circumstances since the decision was given, and the provisions of this Act as to appeals shall apply to such revised decision in the same manner as they apply to an original decision.

(2) Subsection (1) shall not apply to a decision relating to a matter which is on appeal or reference under section 39 unless the revised decision would be in favour of a claimant for a weekly payment.

(3) A revised decision given by a deciding officer shall take effect as follows:—

- (a) where redundancy payment will, by virtue of the revised decision, be disallowed or reduced and the revised decision is given owing to the original decision having been given, or having continued in effect, by reason of any statement or representation (whether written or oral) which was to the knowledge of the person making it false or misleading in a material respect or by reason of the wilful concealment of any material fact, it shall take effect as from the date on which the original decision took effect, but, in a case in which the redundancy payment is by way of periodical payment, the original decision may, in the discretion of the deciding officer continue to apply to any period covered by such original decision to which such false or misleading statement or representation or such wilful concealment of any material fact does not relate;
- (b) in any other case, it shall take effect as from the date considered appropriate by the deciding officer, but any payment already made at the date of the revision shall not be affected.

(4) Regulations may provide for the treating of any redundancy payment paid to an employee under a decision of a deciding officer, which it is subsequently decided was not payable, as paid on account of any other redundancy payment which it is decided was payable to that employee or for

the repayment of any such payment and the recovery thereof by deduction or otherwise.

(5) Reference in this section to revision includes reference to revision consisting of a reversal.

Provisions relating to winding up and bankruptcy.

42.—(1) There shall be included among the debts which, under [section 285](#) of the [Companies Act, 1963](#), are, in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, all contributions payable by the company under this Act during the twelve months before the commencement of the winding up or the winding-up order, and that Act shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where it may otherwise be provided by rules made under that Act.

(2) Subsection (1) shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

(3) There shall be included among the debts which, under section 4 of the Preferential Payments in Bankruptcy (Ireland) Act, 1889, are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts, all contributions payable under this Act by the bankrupt or arranging debtor during the twelve months before the date of the order of adjudication in the case of a bankrupt or the filing of the petition for arrangement in the case of an arranging debtor, and that Act shall have effect accordingly, and formal proof of the debts to which priority is given under this subsection shall not be required except in cases where it may otherwise be provided by general orders made under the said Act.

(4) Every assignment of or charge on, and every agreement to assign or charge, a weekly payment shall be void and on the bankruptcy of any person entitled to a weekly payment the weekly payment shall not pass to the official assignee in bankruptcy or any trustee or other person acting on account of the creditors.

(5) Nothing in section 53 of the Bankruptcy (Ireland) Amendment Act, 1872, or in [section 286](#) of the [Companies Act, 1963](#), shall apply to any redundancy payments made by an employer.

Recovery of sums due to Redundancy Fund.

43.—All moneys due to the Redundancy Fund shall be recoverable as debts due to the State and, without prejudice to any other remedy, may be recovered by the Minister as a debt under statute in any court of competent jurisdiction.

Application of section 52 of the Act of 1952.

44.—Section 52 (other than subsections (4) and (6) thereof) of the Act of 1952 shall apply in relation to redundancy contributions, redundancy cards and redundancy stamps, and in relation to benefits under this Act as it applies to cards, stamps, benefits, contributions and other payments under the Act of 1952.

Application of Section 53 of Act of 1952.

45.—Section 53 of the Act of 1952 shall apply in relation to offences under this Act or under regulations thereunder as it applies to offences under the Act of 1952 or to offences under regulations thereunder, save that in the said application reference in the said section 53 to the Minister for Social Welfare shall be construed as reference to the Minister.

Aid to unemployed persons changing residence.

46.—(1) The Minister may, for the purpose of achieving such a degree of geographical mobility of labour as is, in his opinion, desirable in the interests of promoting national economic policy, make with the consent of the Minister for Finance regulations providing for financial assistance, out of moneys provided by the Oireachtas, to unemployed persons or to persons about to be declared redundant who are obliged to change their normal place of residence in order to take up employment offered or approved by the Employment Service.

(2) Without prejudice to the generality of subsection (1), regulations under this section—

(a) may provide for the payment or recoupment, in whole or in part, of the costs of transport (including the transport of household effects) arising out of a change of residence and for allowances in respect of lodgings, and

(b) may impose conditions, time limits and financial limits in respect of any moneys payable under the regulations.

(3) Notwithstanding anything contained in section 4, regulations under this section may apply to workers belonging to a class excluded from this Act by the said section 4.

Special redundancy schemes for employees excluded from Act.

47.—(1) The Minister may, in respect of a class of employee excluded from this Act by section 4 or by an order made thereunder, and after consultation with representatives of employers interested in the form of work normally carried on by employees of that class and with representatives of employees so interested, prepare and cause to be carried out a scheme (in this Act referred to as a special redundancy scheme) providing in accordance with the terms of the special redundancy scheme for redundancy payment to employees of that class.

(2) Whenever the Minister has prepared a special redundancy scheme he shall, as soon as he thinks fit after such preparation, make an order providing for the carrying into effect on a specified date of that special redundancy scheme, and from that date that scheme shall be so carried into effect.

Provision for officers and servants of C oras Iompair  ireann and  stlanna Iompair  ireann Teoranta.

48.—(1) [Section 9](#) of the [Transport Act, 1964](#), shall not apply to a person who, after the commencement of this Act, becomes an officer or servant of the Board unless such person was, or, but for a casual interruption of his employment, would have been, an officer or servant of the Board at such commencement and continues to be an officer or servant of the Board except for casual interruptions of employment.

(2) Where, before the commencement of this Act, a person is in receipt of compensation under [section 9](#) of the [Transport Act, 1964](#), subsection (1) shall not operate to diminish his right to such compensation.

(3) Where a person, on or after the commencement of this Act, becomes entitled to compensation under [section 9](#) (4) of the [Transport Act, 1964](#), in consequence of the termination of his employment with the Board or with the Company, he shall, notwithstanding any other provision of this Act, stand disqualified, as on and from the date of such entitlement, for redundancy payment in respect of such employment and all contributions under this Act paid in respect of that person as an employee of the Board or of the Company shall be refunded to the person who paid such contributions.

(4) In this section—

“*the Board*” means C oras Iompair  ireann ;

“*the Company*” means  stlanna Iompair  ireann Teoranta.

Power to modify or wind-up existing

49.—Any scheme or arrangement for the provision of pensions, compensation for redundancy or other benefits (including any scheme or arrangement established or provided by or under, or having

schemes and arrangements for the provision of superannuation and redundancy payments.

statutory force by virtue of, any enactment and any scheme evidenced only by one or more policies of insurance) may be modified, or wound up, in connection with the establishment under this Act of a scheme for the provision of redundancy payments by agreement between the parties concerned in the scheme or arrangement.

Application of Probation of Offenders Act, 1907.

50.—Where an employer is charged with an offence relating to redundancy contributions the court shall not make an order under section 1 (1) of the Probation of Offenders Act, 1907, until it is satisfied that all arrears in respect of the contributions have been paid by the employer.

Voidance of purported exclusion of provisions of this Act.

51.—Any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports to exclude or limit the operation of any provision of this Act.

Offences by bodies corporate.

52.—Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Provisions regarding notices.

53.—(1) Any notice which under this Act is required or authorised to be given by an employer to an employee may be given by being delivered to the employee, or left for him at his usual or last-known place of residence, or sent by post addressed to him at that place.

(2) Any notice which under this Act is required or authorised to be given by an employee to an employer may be given either by the employee himself or by a person authorised by him to act on his behalf, and, whether given by or on behalf of the employee,—

(a) may be given by being delivered to the employer, or sent by post addressed to him at the place where the employee is or was employed by him, or

(b) if arrangements in that behalf have been made by the employer, may be given by being delivered to a person designated by the employer in pursuance of the arrangements, or left for such a person at a place so designated, or sent by post to such a person at an address so designated.

(3) In this section reference to the delivery of a notice shall, in relation to a notice not required by this Act to be in writing, be construed as including a reference to the oral communication of the notice.

(4) Any notice which, in accordance with this section, is left for a person at a place referred to in this section shall, unless the contrary is proved, be presumed to have been received by him on the day on which it was left there.

(5) Nothing in subsection (1) or (2) shall be construed as affecting the capacity of an employer to act by a servant or agent for the purposes of any provision (including either of those subsections) of this Act.

Certificate of

54.—A document purporting to be a certificate of a decision made pursuant to this Act or

decision by deciding officer. regulations by a deciding officer and to be signed by him shall be *prima facie* evidence of the making of the said decision, and of the terms thereof, without proof of the signature of such officer or of his official capacity.

Power to remove difficulties. **55.**—(1) If in any respect any difficulty arises in bringing into operation this Act or any amendment or repeal effected by this Act, the Minister may by order do anything which appears to be necessary or expedient for bringing this Act into operation, and any such order may modify a provision of this Act so far as may appear necessary or expedient for carrying the order into effect.

(2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the order is laid before it annulling such order, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under the order.

(3) No order may be made under this section after the expiration of one year after the commencement of this Act.

Expenses of Minister. **56.**—(1) Any expenses incurred by the Minister or any other Minister in carrying this Act into effect shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

(2) There shall be paid to the Minister for Finance out of the Redundancy Fund, at such times and in such manner as the Minister for Finance may direct, such sums as the Minister may estimate, on such basis as may be agreed upon between him and the Minister for Finance, to be the part of the said expenses of the Minister or any other Minister in carrying into effect section 39, and any sums so paid shall be appropriated in aid of moneys provided by the Oireachtas for carrying this Act into effect.

(3) In estimating expenses for the purposes of subsection (2), there shall be included such amount as, in the opinion of the Minister for Finance, represents the amount of the accruing liability in respect of any superannuation or other retiring allowances, lump sums or gratuities accruing in respect of the employment of any officer or other person for the purposes of this Act.

Regulations regarding keeping of records, furnishing of information and inspection of records. **57.**—For the purpose of ensuring the effective operation of this Act, the Minister may make regulations providing for the keeping of records and the furnishing of information by employers and for the inspection by authorised officers of the Minister of records or other documents in the custody or under the control of employers.

Regulations providing for offences. **58.**—The Minister may by regulations provide for offences consisting of contraventions of or failure to comply with a provision of this Act or of contraventions of or failure to comply with regulations under this Act and for the recovery on summary conviction of such offences of fines not exceeding specified amounts not exceeding ten pounds, together with, in the case of continuing offences, further such fines in respect of each of the days on which the offences are continued.

SCHEDULE 1

Weekly Payments from the Redundancy Fund

1. Subject to paragraph 2, the amount of a weekly payment shall be equivalent to 50 per cent. of the employee's normal weekly remuneration.

2. The total amount being paid to a person in a week in respect of the following—

a weekly payment, unemployment benefit under the [Social Welfare Acts, 1952](#) to 1966, disability benefit under those Acts, maternity allowance under those Acts, unemployment assistance under the Unemployment Assistance Acts, 1933 to 1966,

shall not exceed 90 per cent. of that person's normal weekly remuneration; provided that a person shall not receive in respect of unemployment benefit, disability benefit, maternity allowance or unemployment assistance less than that to which that person would, but for this Act, have been entitled.

3. Subject to paragraph 2, weekly payment shall, in the case of a person entitled to unemployment benefit, disability benefit, maternity allowance or unemployment assistance, be paid to that person in addition to such benefit.

4. A weekly payment shall not be paid to a person entitled thereto until the expiration of the period of two weeks beginning on the date of the termination of his employment and shall not be paid in respect of that two-week period.

5. A weekly payment shall not be paid to a person in respect of any period unless during that period that person was not gainfully employed and the fact that he was not so employed could not reasonably be attributed to that person's own failure or refusal to seek or accept suitable gainful employment.

6. A person entitled to a weekly payment shall, subject to paragraph 7, be paid one weekly payment in respect of each year of continuous employment after he has attained the age of sixteen years (as calculated in accordance with Schedule 3) with the employer who dismissed him by reason of redundancy.

7. In calculating years of continuous employment for the purpose of paragraph 6, each period of two such years during the whole of which the person entitled to the weekly payment was 41 years of age or older shall be reckoned as three completed years of continuous employment.

8. Whenever a person who has received a weekly payment obtains employment he shall not receive any further weekly payments; provided that if he subsequently becomes unemployed, is laid-off, or is absent from work through sickness and is by reason of such absence entitled to disability benefit under the Act of 1952, he shall, subject to paragraph 5, thereupon become eligible for the weekly payments which stood unpaid when he obtained that employment.

9. Whenever a person entitled to a weekly payment obtains employment before the expiration of the two-week period mentioned in paragraph 4 he shall not receive a weekly payment; provided that if he subsequently becomes unemployed, is laid-off, or is absent from work through sickness and is by reason of such absence entitled to disability benefit under the Act of 1952, he shall, subject to paragraph 5, thereupon become entitled to the weekly payments to which he would have become entitled had he not obtained employment in that two-week period.

10. Nothing in this Schedule shall be construed as conferring on an employee a right to more than one weekly payment in respect of any one week or part of a week.

11. Normal weekly remuneration shall for the purposes of this Schedule be calculated in accordance with paragraphs 13 to 23 of Schedule 3.

12. Where a person's entitlement to a weekly payment is applicable to part of a week only, the payment in respect of that part of a week shall be calculated by reference to one-sixth of the full weekly payment for each day, excluding Sunday, in that part of the week.

13. Notwithstanding anything in paragraph 5, 8 or 9, a person who is undergoing a course of training arranged or approved by An Chomhairle Oiliúna shall not be disentitled to receive a weekly payment for the period of such training on the ground only that he is ineligible to receive unemployment benefit or unemployment assistance for that period.

14. A person shall not be entitled to a weekly payment unless he is normally resident within the State.

SCHEDULE 2

Part I

Death of Employer or of Employee

[Section 22](#) .

1. This Part shall have effect in relation to an employee where his employer (in this Part referred to as the deceased employer) dies.

2. Section 20 shall not apply to any change where by the ownership of the business, for the purposes of which the employee was employed by the deceased employer, passes to a personal representative of the deceased employer.

3. Where, by virtue of section 21, the death of the deceased employer is to be treated for the purposes of this Act as a termination by him of the contract of employment, the employee shall nevertheless not be treated for those purposes as having been dismissed by the deceased employer if —

(a) his contract of employment is renewed by a personal representative of the deceased employer, or he is re-engaged under a new contract of employment by such a personal representative, and

(b) the renewal or re-engagement takes effect not later than eight weeks after the death of the deceased employer.

4. Where, by reason of the death of the deceased employer, the employee is treated for the purposes of this Act as having been dismissed by him, he shall not be entitled to a redundancy payment in respect of that dismissal if—

(a) a personal representative of the deceased employer has made to him an offer in writing to renew his contract of employment or to re-engage him under a new contract,

(b) in accordance with the particulars specified in that offer the renewal or re-engagement would take effect not later than eight weeks after the death of the deceased employer,

(c) either—

- (i) the provisions of the contract as renewed, or of the new contract, as to the capacity and place in which he would be employed and as to the other terms and conditions of his employment would not differ from the corresponding provisions of the contract in force immediately before the death, or
- (ii) if, notwithstanding that in accordance with the particulars specified in that offer the provisions mentioned in subparagraph (i) would differ (wholly or in part) from the corresponding provisions of the contract in force immediately before the death, the offer constitutes an offer of suitable employment in relation to the employee,

and

(d) the employee has unreasonably refused that offer.

5. For the purposes of paragraph 4—

- (a) an offer shall not be treated as one whereby the provisions of the contract as renewed, or of the new contract, would differ from the corresponding provisions of the contract in force immediately before the death of the deceased employer by reason only that the personal representative would be substituted as the employer for the deceased employer, and
- (b) account shall not be taken of that substitution in determining whether the refusal of the offer was unreasonable.

6. Where by virtue of section 21 the death of the deceased employer is to be treated as a termination by him of the contract of employment, any reference in section 21 (2) to section 9 (2) shall be construed as including a reference to paragraph 3 of this Schedule.

7. Where the employee has before the death of the deceased employer been laid off or kept on short-time for one or more than one week, but has not given to the deceased employer notice of intention to claim, then if after the death of the deceased employer—

- (a) his contract of employment is renewed, or he is re-engaged under a new contract, as mentioned in paragraph 3 (a) or 3 (b) of this Schedule, and
- (b) after the renewal or re-engagement, he is laid off or kept on short-time for one or more weeks by the personal representative of the deceased employer,

sections 12 and 13 shall apply as if the week in which the deceased employer died and the first week of the employee's employment by the personal representative were consecutive weeks, and any reference in those sections to four weeks or thirteen weeks shall be construed accordingly.

8. Paragraph 9 or (as the case may be) paragraph 10 shall have effect where the employee has given to the deceased employer notice of intention to claim, and—

- (a) the deceased employer has died before the end of the next four weeks after the service of that notice, and

(b) the employee has not terminated the contract of employment by notice expiring before the death of the deceased employer.

9. If in the circumstances specified in paragraph 8 the employee's contract of employment is not renewed by a personal representative of the deceased employer before the end of the next four weeks after the service of the notice of intention to claim, and he is not re-engaged under a new contract by such a personal representative before the end of those four weeks, sections 12 (1) and 12 (2) and section 13 (4) shall apply as if—

(a) the deceased employer had not died, and

(b) the employee had terminated the contract of employment by a week's notice (or, if under the contract he is required to give more than a week's notice to terminate the contract, he had terminated it by the minimum notice which he is so required to give) expiring at the end of those four weeks,

but sections 13 (1) to 13 (3) shall not apply.

10. (1) This paragraph shall have effect where, in the circumstances specified in paragraph 8, the employee's contract of employment is renewed by a personal representative of the deceased employer before the end of the next four weeks after the service of the notice of intention to claim, or he is re-engaged under a new contract by such a personal representative before the end of those four weeks, and—

(a) he was laid off or kept on short-time by the deceased employer for one or more of those weeks, and

(b) he is laid off or kept on short-time by the personal representative for the week, or for the next two or more weeks, following the renewal or re-engagement.

(2) Where the conditions specified in subparagraph (1) are fulfilled, sections 12 and 13 shall apply as if all the weeks for which the employee was laid off or kept on short-time as mentioned in the said subparagraph (1) were consecutive weeks during which he was employed (but laid off or kept on short-time) by the same employer.

11. In paragraphs 7 to 10 “*week*” and “*notice of intention to claim*” have the meanings respectively assigned to them by sections 2 and 12.

12. Where by virtue of paragraph 3 the employee is treated as not having been dismissed by reason of a renewal or re-engagement taking effect after the death of the deceased employer, then, in determining, for the purposes of section 7, whether he has been continuously employed for the requisite period, the interval between the death and the date on which the renewal or re-engagement takes effect shall count as a period of employment with the personal representative of the deceased employer, if, apart from this paragraph, it would not count for that purpose as such a period of employment.

13. For the purposes of the application, in accordance with section 4 (3), of any provisions of this Act to an employee who was employed in a private household, any reference to a personal representative in this Part shall be construed as including a reference to any person to whom, otherwise than in pursuance of a sale or other disposition for valuable consideration, the management of the household has passed in consequence of the death of the deceased employer.

14. Subject to the preceding provisions of this Part, in relation to an employer who has died—

(a) any reference in this Act to the doing of anything by, or in relation to, an employer shall be construed as including a reference to the doing of that thing by, or in relation to, any personal representative of the deceased employer, and

(b) any reference in this Act to a thing required or authorised to be done by, or in relation to, an employer shall be construed as including a reference to anything which, in accordance with any provision of this Act as modified by this Part (including subparagraph (a)), is required or authorised to be done by, or in relation to, any personal representative of his.

15. Where by virtue of any provision of this Act, as modified by this Part, a personal representative of the deceased employer is liable to pay a redundancy payment, or part of a redundancy payment, and that liability had not accrued before the death of the deceased employer, it shall be treated for all purposes as if it were a liability of the deceased employer which had accrued immediately before his death.

Part II

16. Where an employer has given notice to an employee to terminate his contract of employment and before that notice expires the employee dies, [Part II](#) of this Act shall apply as if the contract had been duly terminated by the employer by notice expiring on the date of the employee's death.

17. Where an employer has given notice to an employee to terminate his contract of employment, and has offered to renew his contract of employment, or to re-engage him under a new contract, then if—

(a) the employee dies without having either accepted or refused the offer, and

(b) the offer has not been withdrawn before his death,

section 15 (1) or 15 (2) (as the case may be) shall apply as if for “the employee has unreasonably refused” there were substituted “it would have been unreasonable on the part of the employee to refuse”.

18. (1) Where, in the circumstances specified in sections 10 (1) (a) and 10 (1) (b), the employee dies before the notice given by him under section 10 (1) (b) is due to expire and before the employer has given him notice under section 10 (3), section 10 (3) and section 10 (4) shall apply as if the employer had given him such notice and he had complied with it.

(2) Where, in the circumstances specified in sections 10 (1) (a) and 10 (1) (b), the employee dies before his notice given under section 10 (1) (b) is due to expire but after the employer has given him notice under section 10 (3), sections 10 (3) and 10 (4) shall apply as if the circumstances were that the employee had not died and had complied with the last-mentioned notice.

19. (1) Where an employee has given notice of intention to claim and dies before he has given notice to terminate his contract of employment and before the period specified in section 12 (2) the said section 12 (2) shall not apply.

(2) Where an employee, who has given notice of intention to claim, dies within seven days after the service of that notice, and before the employer has given a counter-notice, the provisions of sections 12 and 13 shall apply as if the employer had given a counter-notice within those seven days.

(3) In this paragraph “*notice of intention to claim*” and “*counter-notice*” have the meanings respectively assigned to them by sections 12 and 13.

20. In relation to the making of a claim by a personal representative of a deceased employee who dies before the end of the period of 30 weeks beginning on the date of dismissal or termination of employment, section 24 shall apply with the substitution for “30 weeks” of “one year”.

21. Subject to the preceding provisions of this Part, in relation to an employee who has died—

(a) any reference in this Act to the doing of anything by, or in relation to, an employee shall be construed as including a reference to the doing of that thing by, or in relation to, any personal representative of the deceased employee, and

(b) any reference in this Act to a thing required or authorised to be done by, or in relation to, an employee shall be construed as including a reference to anything which, in accordance with any provision of this Act as modified by this Part (including subparagraph (a)), is required or authorised to be done by, or in relation to, any personal representative of his.

22. Any right to a redundancy payment which had not accrued before the employee's death shall devolve on his personal representative.

23. In relation to any case where, under any provision contained in [Part II](#) of this Act as modified by the preceding provisions of this Part, the Tribunal has power to determine that an employer shall be liable to pay to a personal representative of a deceased employee either—

(a) the whole of a redundancy payment to which he would have been entitled apart from another provision therein mentioned, or

(b) such part of such a redundancy payment as the Tribunal thinks fit,

any reference in paragraph 22 to a right to a redundancy payment shall be construed as including a reference to any right to receive the whole or part of a redundancy payment if the Tribunal determines that the employer shall be liable to pay it.

SCHEDULE 3

Amount of Lump Sum

[Section 19](#) .

1. The amount of the lump sum shall be equivalent to the aggregate of the following—

(a) the product of one-half of the employee's normal weekly remuneration and the number of years of continuous employment, with the employer in whose employment he was on the date of dismissal, between the date on which the employee attained the age of sixteen years and the date on which he attained the age of forty-one years, and

(b) the product of the employee's normal weekly remuneration on the date of his dismissal and the number of years of continuous employment, with the employer in whose employment he was on the date of dismissal, after the employee had attained the age of forty-one

years.

2. The lump sum shall not exceed an amount equivalent to twenty weeks' normal weekly remuneration.

3. (a) For the purpose of ascertaining, for the purposes of paragraph 1, the number of years of continuous employment, the number of weeks in the period of continuous employment shall be ascertained in accordance with this Schedule and the result shall be divided by 52.

(b) In ascertaining the number of weeks in the period of continuous employment, a week which under this Schedule is not allowable as reckonable service shall be disregarded.

(c) When the division required under subparagraph (a) produces a remainder of 26 or more weeks, this remaining period of 26 (or more) weeks shall be counted as a year of continuous employment but if that division produces a remainder of less than 26 weeks that period shall be disregarded.

(d) When the total number of years of continuous employment as ascertained in accordance with subparagraphs (a) to (c) falls to be divided for the purposes of paragraphs 1 (a) and 1 (b), any remaining parts of a year in those divisions shall be aggregated and the number of full years represented by this aggregation (when calculated in accordance with subparagraphs (a) to (c)) shall be added to the period of employment mentioned in paragraph 1 (a).

Continuous Employment

4. For the purposes of this Schedule employment shall be taken to be continuous unless terminated by dismissal or by the employee's voluntarily leaving the employment.

5. (1) Where an employee's period of service had been interrupted by any one of the following—

(a) a period of not more than 78 consecutive weeks by reason of sickness,

(b) a period of not more than 26 consecutive weeks by reason of—

(i) lay-off,

(ii) holidays,

(iii) service by the employee in the Defence Forces of the State,

(iv) any cause (other than the voluntary leaving of his employment by the employee) not mentioned in clauses (i) to (iii) but authorised by the employer,

(c) any period during which an employee was absent from work because of a lock-out by his employer or because the employee was participating in a strike, whether such absence occurred before or after the commencement of this Act, continuity of employment shall not be broken by such interruption whether or not notice of termination of the contract of employment has been given.

(2) During the year 1968 subparagraph (1) (b) shall have effect as if “52 consecutive weeks” were substituted for “26 consecutive weeks”.

6. Where a trade or business or an undertaking (whether or not it be an undertaking established by or under an Act of the Oireachtas) was transferred from one person to another, the period of employment of an employee in the trade or business or undertaking at the time of the transfer shall count as a period of employment with the transferee, and the transfer shall not break the continuity of the period of employment.

Reckonable Service

7. For the purposes of this Schedule, a week falling within a period of continuous employment and during which (or during any part of which) the employee concerned either was actually at work, or was absent therefrom by reason of sickness, holidays or any other arrangement with his employer shall, subject to paragraph 8, be allowable as reckonable service.

8. None of the following absences from work shall be allowable as reckonable service—

- (a) absence in excess of 52 consecutive weeks by reason of an occupational accident or disease within the meaning of the [Social Welfare \(Occupational Injuries\) Act, 1966](#) ,
- (b) absence in excess of 26 consecutive weeks by reason of any illness not referred to in subparagraph (a),
- (c) absence in excess of 13 weeks in a period of 52 weeks and caused by any reason not referred to in subparagraph (a) or (b) but being an absence authorised by the employer,
- (d) absence by reason of lay-off by the employer.

9. Absence from work by reason of a strike in the business or industry in which the employee concerned is employed and which occurred before the commencement of this Act shall be allowable as reckonable service.

10. Absence from work by reason of a strike in the business or industry in which the employee concerned is employed and which occurred after the commencement of this Act shall not be allowable as reckonable service.

11. Absence from work by reason of a lock-out shall be allowable as reckonable service.

12. Absence from work by reason of a strike or lock-out in a business or industry other than that in which the employee concerned is employed shall be allowable as reckonable service if it occurred before the commencement of this Act.

Normal Weekly Remuneration

13. For the purposes of this Schedule, in the case of an employee who is paid wholly by an hourly time rate or by a fixed wage or salary, and in the case of any other employee whose remuneration does not vary in relation to the amount of work done by him, his normal weekly remuneration shall be taken to be his earnings (including any regular bonus or allowance which does not vary in relation to the amount of work done) for his normal weekly working hours as at the date on which he was declared redundant, together with, in the case of an employee who is expected to work overtime regularly, his average weekly overtime earnings as determined in accordance with paragraph 14.

14. For the purpose of paragraph 13 the average weekly overtime earnings shall be determined by ascertaining the total amount of overtime earnings of the employee concerned in the period of 26 weeks which ended 13 weeks before the date on which the employee was declared redundant and dividing that amount by 26.

15. For the purpose of paragraph 14 any week during which the employee concerned did not work shall be disregarded and the most recent week before the 26-week period mentioned in paragraph 14 shall be taken into account instead of the week during which the employee did not work.

16. (i) In the case of an employee who is paid wholly or partly by piece rates, bonuses or commissions (being piecerates, bonuses or commissions related directly to his output) and in the case of any other employee whose remuneration varies in relation to the amount of work done by him, his normal weekly remuneration shall be taken to be the amount as calculated in accordance with subparagraph (ii).

(ii) For the purposes of subparagraph (i) normal weekly remuneration shall be calculated by dividing the remuneration to be taken into account in accordance with subparagraph (iii) by the number of hours ascertained in accordance with subparagraph (vi) and multiplying the resulting hourly rate by the normal weekly working hours of the employee concerned at the date on which he was declared redundant.

(iii) The remuneration to be taken into account for the purposes of subparagraph (ii) shall be the total remuneration paid to the employee concerned for all the hours worked in the period of 26 weeks which ended 13 weeks before the date on which the employee was declared redundant, adjusted in respect of any variations in the rates of pay which became operative during the period of 13 weeks ending on the date on which the employee was declared redundant.

(iv) For the purposes of subparagraph (iii), weeks worked with different employers may be taken into account if the change of employer did not affect the employee's continuous employment as provided by paragraphs 4 to 6.

(v) For the purposes of subparagraph (iii), any week during which the employee did not work shall be disregarded and the most recent week before the 26-week period mentioned in subparagraph (iii) shall be taken into account instead of the week during which the employee did not work.

(vi) The number of hours to be taken into account for the purposes of subparagraph (ii) shall be the total number of hours worked in the period of 26 weeks mentioned in subparagraph (iii).

17. Where an employee receives additional remuneration for working more than a fixed number of hours, that fixed number of hours shall, for the purposes of paragraphs 13 and 16 (ii), be taken to be his normal weekly working hours, unless by his contract of employment he is required to work for more than that fixed number of hours, and in the last mentioned case the higher number of hours required by the contract shall be taken to be his normal weekly working hours.

18. Where in a particular week an employee qualifies for a payment of a bonus, pay allowance or commission which relates to more than the work done in that week, the appropriate portion of the payment may be taken into account under paragraphs 13 and 16 (iii).

19. An employee who is normally employed on a shift cycle and whose remuneration varies in relation to the particular shift he works, and an employee whose remuneration for his normal number of working hours varies in relation to the day of the week or the times of the day or night over which those hours are spread, shall be taken to be each an employee who is paid wholly or partly by piece-rates.

20. For the purposes of this Schedule, in the case of an employee who has no normal working hours, his normal weekly remuneration shall be taken to be the average weekly remuneration, including any bonus, pay allowance or commission, received by the employee concerned over the period of 52 weeks during which he was actually working immediately prior to the date on which he was declared redundant.

21. The date on which an employee is declared redundant shall for the purposes of this Schedule be taken to be the date on which a notice of proposed dismissal was given to the employee in accordance with section 17 or, where a redundancy payment is claimed in accordance with section 12, the first day of the series of weeks of lay-off or short-time referred to in section 7 (3).

22. Where under this Schedule account is to be taken of remuneration or other payments for a period which does not coincide with the periods for which the remuneration or other payments are calculated, part of the remuneration or other payments shall be duly apportioned in such manner as may be just.

23. For the purposes of paragraphs 13 and 16, account shall not be taken of any sums paid to an employee by way of recoupment of expenses necessarily incurred by him in the proper discharge of the duties of his employment.

Miscellaneous

24. In this Schedule—

“*overtime premium*” means the portion of remuneration paid in excess of ordinary rates and so paid for hours worked in excess of the normal working hours;

“*strike*” and “*lock-out*” have the meanings respectively assigned to them by section 6.

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