



Government Circular No 105/92

THE REDUNDANCY PAYMENTS ACT 1990
THE EMPLOYMENT ACT 1991

THE EMPLOYMENT TRIBUNAL (DECEASED PERSONS) REGULATIONS 1992

Approved by Tynwald 17 March 1992

Coming into operation 1st April 1992

In exercise of the powers conferred on the Department of Industry by paragraph 2(2) of Schedule 5 to, and section 45(2) of, the Redundancy Payments Act 1990(a), and paragraph 3(2) of Schedule 6 to the Employment Act 1991(b), and of all other enabling powers, the following Regulations are hereby made:-

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Employment Tribunal (Deceased Persons) Regulations 1992 and, subject to section 45(1) of the 1990 Act and section 89(1) of the 1991 Act, shall come into operation on the 1st April 1992.

(2) In these Regulations -

"the 1990 Act" means the Redundancy Payments Act 1990;

"the 1991 Act" means the Employment Act 1991;

"employer" includes the successor of a deceased employer and a personal representative of a deceased employer;

"the estate" means the estate of a deceased employee.

Application of Regulations

2. Where there is no personal representative of a deceased employee in proceedings arising under the 1990 Act or the 1991 Act in which the Employment Tribunal makes any award, the terms of the award and the manner of its enforcement shall be governed by these Regulations.

(a) 1990 c.18 (b) 1991 c.19

Terms of the award

3. Where, in proceedings before the Employment Tribunal arising under the 1990 Act or the 1991 Act, either -

- (a) a person has been appointed under paragraph 2(1) of Schedule 5 to the 1990 Act or paragraph 3(1) of Schedule 6 to the 1991 Act to institute or continue the proceedings on behalf of the estate; or
- (b) an employee who is party to those proceedings dies before the Tribunal's award is made,

any award of the Tribunal shall be made in favour of the estate.

Enforcement of award

4. (1) Where any person is appointed under paragraph 2(1) of Schedule 5 to the 1990 Act or paragraph 3(1) of Schedule 6 to the 1991 Act to enforce an award made by the Employment Tribunal in favour of the estate or, as the case may be, in favour of an employee who has since died, that person may enforce such award on behalf of the estate without the grant of letters of administration or probate of any will, and the receipt of that person shall be a sufficient discharge to the employer for any sum payable to the estate under that award.

(2) Where paragraph (1) does not apply, any award made in favour of the estate or in favour of an employee who has since died shall be enforceable on behalf of the estate by the person to whom a grant of letters of administration or probate is made in respect of the estate.

Revocation

5. The Redundancy Payments (Deceased Persons) Regulations 1990(c) are revoked.

MADE this 25th day of February 1992



Minister for Industry

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations enable the Employment Tribunal to order an award made under the Redundancy Payments Act 1990 or the Employment Act 1991 to be paid by the employer to the person appointed by the Tribunal for the benefit of the estate of the deceased employee. They also enable such a person to enforce such an award without letters of administration or probate of a will. They replace the Redundancy Payments (Deceased Persons) Regulations 1990.