

**Severance Payments**

Cap. 355A.

**SEVERANCE PAYMENTS (REBATES)  
REGULATIONS, 1972**1972/179.  
1984/54.

**Authority:** These regulations were made on 23rd December, 1972 by the Minister under section 29(4) of the *Severance Payments Act*.

**Commencement:** 28th December, 1972.

1. These Regulations may be cited as the *Severance Payments (Rebates) Regulations, 1972*.

2. For the purposes of these regulations

"employer's payment" means a payment falling within paragraph (a) or (b) of section 29 (1) of the Act;

"rebate" means a payment referred to as such in section 29 of the Act.

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

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

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

by delivering to the office of the Minister a written notice containing the particulars specified in regulation 4.

(2) The notice required by this regulation shall be given

(a) in the case of an employee who is one of 10 or more employees, being employees of the same employer whose contracts of employment are to terminate or expected to terminate on the same day or within a period of not more than 6 days, not less than 21 days before the date on which the terminations are or, as the case may require, the first of them is to take or expected to take effect;

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(b) in any other case, not less than 14 days before the date on which the termination of the contract of employment is to take or is expected to take effect.

(3) In calculating whether an employee is one of 10 or more employees in whose case sub-paragraph (a) of paragraph (2) applies no account shall be taken of any employee who is one of 10 or more employees as aforesaid as respects whom prior notice as required by this regulation has already been given.

4. (1) The notice required by regulation 3 shall contain the following particulars in so far as they are within the knowledge of the employer

- (a) the employee's full name;
- (b) the employee's national insurance number;
- (c) the employee's date of birth;
- (d) the date on which the employee commenced his current period of continuous employment;
- (e) the date on which the employment is expected to terminate;
- (f) the reason for the expected termination of employment; and
- (g) the amount of a week's basic pay calculated in accordance with paragraph 6 of the *First Schedule* to the Act.

First  
Schedule.

(2) If, in the case of any of the particulars mentioned in paragraph (1), the required information is not known or not completely known to the employer, that fact shall be stated in the notice.

(3) If the information required under sub-paragraph (g) of paragraph (1), involves a calculation which it is not practicable for the employer to make in time for the information to be included in the notice before it is to be given, the notice shall be given without that information but with an intimation that it will follow later and the information shall be given as soon as practicable after the delivery of the notice.

(4) For the purposes of this regulation, the expression "within the knowledge of the employer" means within the knowledge or means of knowledge of the employer or of his servants or agents,

and the expression "known or completely known to the employer" shall be construed accordingly.

5. (1) A claim for a rebate shall be made in writing to the Minister within 6 months from the date on which the employee's payment was made or within such further period as the Minister may allow.

(2) The claim shall

- (a) specify the date on which the employment terminated; and
- (b) indicate how the amount of the employee's payment was calculated.

6. (1) A person who gives notice under regulation 3 or makes a claim under regulation 5 shall

- (a) provide such evidence or other information; and
- (b) produce for examination on behalf of the Minister such documents in his custody or under his control,

as the Minister requires, being evidence, information and documents necessary to determine the right of that person to, or the amount of, the rebate.

(2) Unless in any particular case or class of cases the Minister dispenses with the requirement of this paragraph, a claim under regulation 5 shall be accompanied by a receipt signed by the employee concerned evidencing the payment by the employer to that employee of the employer's payment to which the claim relates.

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

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

- (a) within 4 weeks of being referred back to the employer by the Minister; or
- (b) before the expiration of 4 weeks from the time prescribed by regulation 5 (1)

the amended claim shall be treated as having been made in the first instance.

8. For the purposes of paragraphs 1 and 8 of the *Third Schedule* to the Act, the rate of rebate payable in respect of any severance payment or agreed payment is:

Third  
Schedule.  
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- (a) 50 per cent in respect of any payment arising before 1st August, 1977;
- (b) 10 per cent in respect of any payment arising on or after 1st August, 1977 and before 1st April, 1984; and
- (c) 25 per cent in respect of any payment arising on or after 1st April, 1984.