



FALKLAND ISLANDS

Employment Protection (Amendment) Ordinance 2024

(ORDINANCE No. 8 OF 2024)

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(assented to: 18 June 2024)
(commencement: on publication)
(published: 21 June 2024)

AN ORDINANCE

To amend the Employment Protection Ordinance 1989.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Employment Protection (Amendment) Ordinance 2024.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Amendment of Employment Protection Ordinance 1989

This Ordinance amends the Employment Protection Ordinance 1989.

4. Section 18 amended (limits on amount of and entitlement to guarantee payment)

In section 18(1), replace “£23.10.” with “8 times the minimum wage rate specified in section 11 of the Minimum Wage Ordinance 2013 for that day.”.

5. Section 63 amended (qualifying period and upper age limit)

In section 63(1)(b), replace “or, if a man, attained the age of sixty-five, or if a woman, attained the age of sixty.” with “or attained the age of 65.”.

6. Section 71 amended (calculation of basic award)

(1) In section 71(5), replace “£2,100.” with “£6,082.”.

(2) In section 71(8), replace “in relation to a man means the sixty-fourth anniversary of the day of his birth, and in relation to a woman means the fifty-ninth anniversary of the day of her birth,” with “means the person’s 64th birthday.”.

7. Section 73 amended (limit on compensation)

(1) In section 73(1), replace “£10,000.” with “£28,901.”.

(2) In section 73(2), replace “said limit of £10,000 or that limit” with “sum specified in subsection (1), or that sum”.

8. Section 74 amended (calculation of special award)

(1) In section 74(1) —

(a) in paragraph (b), replace “£12,500,” with “£36,074,”; and

(b) replace “£25,000.” with “£72,200.”.

(2) In section 74(2)(b), replace “£18,750,” with “£54,163.”.

(3) In section 74(7), delete “of £12,500, £25,000 and £18,750”.

9. Section 80 amended (general exclusions from right to redundancy payment)

Replace section 80(1) with —

“(1) An employee is not entitled to a redundancy payment if, immediately before the relevant date, the employee has attained the age of 65.”.

10. Section 100 amended (employee’s rights on insolvency of employer)

In section 100(5) —

(a) replace “£234.08” with “£438.97”; and

(b) replace “£152” with “£285”.

11. Schedule 3 amended (calculation of redundancy payments)

In Schedule 3, paragraph 4(2), replace “, in relation to a man, means the sixty-fourth anniversary of the day of his birth, and, in relation to a woman, means the fifty-ninth anniversary of the day of her birth,” with “means the person’s 64th birthday.”.

12. Schedule 6 amended (calculation of normal working hours and a week’s pay)

In Schedule 6, paragraphs 8(1) —

(a) in subparagraphs (a) and (b), replace “£277.20,” with “£519.80,” and

(b) in subparagraph (c), replace “£277.20,” with “£519.80.”.

13. Transitional matters

(1) Sections 18, 63, 71, 73, 74, 80 and 100 and Schedules 3 and 6 as amended by this Ordinance apply in relation to a day's employment, a dismissal, a redundancy or an insolvency (as the case requires) that occurs on or after the day on which this Ordinance come into force.

(2) Those provisions as in force before that day continue to apply in relation to day's employment, a dismissal, a redundancy or an insolvency (as the case requires) that occurred before that day.

Passed by the Legislature of the Falkland Islands on 5 June 2024.

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Assembly and is found by me to be a true and correctly printed copy of the said Bill.

CHERIE YVONNE CLIFFORD,
Clerk of the Legislative Assembly.