
STATUTORY INSTRUMENTS

1992 No. 807

The Industrial Relations (Northern Ireland) Order 1992

PART XII

MISCELLANEOUS AND SUPPLEMENTARY

Art. 97 rep. by 1993 NI 11

Arts. 98, 99 rep. by 1996 NI 16

Art. 100 rep. by 1996 NI 18

Art. 101 rep. by 1995 NI 12

Art. 102 rep. with saving by 1995 NI 12

Art. 103 rep. by 1995 NI 12

Nominations by members of trade union

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104.—(1) Regulations may make provision—

- (a) for enabling members of trade unions who are not under sixteen years of age to nominate a person or persons to become entitled, on the death of the person making the nomination, to the whole or part of any money payable on his death out of the funds of the trade union of which he is a member; and
- (b) for enabling any money payable out of the funds of a trade union on the death of a member of the trade union, to an amount not exceeding £5,000, to be paid or distributed on his death (whether in accordance with such a nomination or otherwise) without letters of administration or probate of any will.

(2) Any regulations made in accordance with paragraph (1)(a)—

- (a) may include provision as to the manner in which nominations may be made and as to the manner in which nominations may be varied or revoked; and
- (b) may provide that, subject to such exceptions as may be prescribed, no nomination made by a member of a trade union shall be valid if at the date of the nomination the person nominated is an officer or employee of the trade union or is otherwise connected with the trade union in such manner as may be prescribed.

(3) Regulations made in accordance with paragraph (1)(a) may, without prejudice to Article 107(3), include provision for securing, to such extent and subject to such conditions as may be prescribed, that nominations made under the Trade Union Act Amendment Act 1876^{F1} shall have effect as if made under the regulations and may be varied or revoked accordingly.

(4) In paragraphs (2) and (3) “prescribed” means prescribed by regulations made in accordance with paragraph (1).

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992, PART XII is up to date with all changes known to be in force on or before 28 January 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

^{F2}(5) Paragraph (1)(b) shall be included among the provisions with respect to which the Department of Finance and Personnel may make an order under section 6(1) of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967^{F3} substituting, for references to the amount for the time being provided for, references to such higher amount as may be specified in the order.

- F1** 1876 c.22
F2 mod. by SR 2004/68
F3 1967 c.5 (NI)

Modifications etc. (not altering text)

- C1** Art. 104(5) modified (8.12.2020) by The Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 2020 (S.R. 2020/280), arts. 1, 2(e)

Crown employees and contracts, etc.

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Para. (1) rep. by 1995 NI 12

(2) Articles 27 and 28 shall bind the Crown.

Paras. (3),(4) rep. by 1993 NI 11

^{F4}*Restrictions on contracting out*

- F4** 1993 NI 11

Restrictions on contracting out

105A.—(1) Except as provided by paragraph (2), any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—

- (a) to exclude or limit the operation of any provision of this Order;
- (b) to preclude any person from presenting a complaint to, or bringing any proceedings under this Order before, an industrial tribunal; or
- (c) to preclude any person from making any reference, claim or complaint under Part V.

(2) Paragraph (1) does not apply—

Sub. para. (a) rep. by 1996 NI 18

- (b) to any agreement such as is referred to in Article 43(6)(b) or (c) to the extent that it varies or supersedes an award under that Article; or

Sub. para. (c) rep. by 1995 NI 12

Paras. (3)#(5) rep. by 1995 NI 12

Art. 106 rep. by 1998 NI 21]

Supplementary

Orders and regulations

107.—(1) Subject to paragraph (2), all orders and regulations under this Order shall be subject to negative resolution.

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(2) Paragraph (1) does not apply to an order under^{F5} Article 1(2),^{F6} 84A(1)(b),] 90(14) [^{F7}, 90AA(6)] or 95(12)].

(3) Regulations and orders under this Order may contain incidental, supplementary and transitional provisions.

F5 1995 NI 12

F6 1998 NI 8

F7 Words in art. 107(2) inserted (3.4.2011) by [Employment Act \(Northern Ireland\) 2011 \(c. 13\)](#), **ss. 4(3)**, 17(1); S.R. 2011/159, **art. 2** (with Sch. para. 1)

Art. 108 rep. by 1996 NI 16

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Changes and effects yet to be applied to :

- Instrument excl by [1994 c. 33 s. 127\(8\)](#)
- Instrument restr (pt retrospect) by [1994 c. 33 s. 126\(1\)s. 126\(2\)\(b\)\(4\)](#)