
STATUTORY INSTRUMENTS

1982 No. 528 (N.I. 8)

NORTHERN IRELAND

The Industrial Relations (Northern Ireland) Order 1982

Laid before Parliament in draft

Made

7th April 1982

Coming into operation on days to be appointed under Article 1 (2)

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At the Court at Windsor Castle, the 7th day of April 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Introductory

Title, citation and commencement

1.—(1) This Order may be cited as the Industrial Relations (Northern Ireland) Order 1982.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint.

(3) An order under paragraph (2) may contain such transitional and supplementary provisions as appear to the Head of the Department to be necessary or expedient.

(4) This Order shall be construed as one with the Industrial Relations (Northern Ireland) Orders 1976 and those Orders and this Order may be cited together as the Industrial Relations (Northern Ireland) Orders 1976 to 1982.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) Without prejudice to the generality of Article 1 (4), the provisions of Articles 2 (2) to (9) and 3 of the Industrial Relations (Northern Ireland) Order 1976 (a) and of Article 2 (2) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 (b), in so far as those provisions relate to the definition or interpretation of words or expressions used in those Orders and in this Order shall apply for the purposes of this Order as they apply for the purposes of those Orders.

Trade union ballots and Codes of Practice

Payments in respect of secret ballots

3.—(1) The Department may by regulations make a scheme (in this Article referred to as “the scheme”) providing for payments towards expenditure incurred by independent trade unions in respect of such ballots to which this Article applies as may be prescribed by the scheme.

(2) This Article applies to a ballot if the purpose of the question to be voted upon (or if there is more than one such question, the purpose of any of them) falls within the purposes mentioned in paragraph (3).

(3) The purposes referred to in paragraph (2) are—

- (a) obtaining a decision or ascertaining the views of members of a trade union as to the calling or ending of a strike or other industrial action;
- (b) carrying out an election provided for by the rules of a trade union;
- (c) electing a worker who is a member of a trade union to be a representative of other members also employed by his employer;
- (d) amending the rules of a trade union;
- (e) obtaining a decision in accordance with the Trade Union (Amalgamations, etc.) Act (Northern Ireland) 1965 (c) on a resolution to approve an instrument of amalgamation or transfer;

and such other purposes as the Department may by order specify.

(4) The scheme may include provision for payments to be made towards expenditure incurred by an independent trade union in respect of arrangements to hold a ballot which is not proceeded with but which, if it had been held, would have been a ballot to which this Article applies.

(5) The circumstances in which and the conditions subject to which payments may be made under the scheme, and the amounts of the payments, shall be such as may be prescribed by or determined in accordance with the scheme; and the scheme shall include provision for restricting the cases in which payments are made to cases in which the ballot is so conducted as to secure, so far as reasonably practicable, that those voting may do so in secret.

(6) Payments under the scheme shall be made by such person as may be prescribed by the scheme and the Department shall pay to that person such sums as he may require for making those payments.

(7) Regulations under this Article shall be subject to negative resolution.

(8) An order under this Article shall come into operation on such date as is specified in the order and shall be laid before the Assembly as soon as may be after it is made, but shall cease to have effect upon the expiration of a period of

(a) S.I. 1976/1043 (N.I. 16). (b) S.I. 1976/2147 (N.I. 28). (c) 1965 c. 2 (N.I.).

six months from the date on which it came into operation unless, before the expiration of that period, it is approved by a resolution of the Assembly.

Secret ballots on employer's premises

4.—(1) Subject to paragraph (3), where an independent trade union proposes that a relevant ballot be held and requests an employer to permit premises of his to be used for the purpose of giving workers employed by him who are members of the union a convenient opportunity of voting, the employer shall, so far as reasonably practicable, comply with the request.

(2) A ballot is a relevant ballot for the purposes of this Article if—

(a) as respects the purpose of the question (or one of the questions) to be voted upon, the ballot satisfies the requirements of a scheme under Article 3, and

(b) the proposals for the conduct of the ballot are such as to secure, so far as reasonably practicable, that those voting may do so in secret.

(3) Paragraph (1) shall not apply where, at the time the request is made,—

(a) the union is not recognised by the employer to any extent for the purpose of collective bargaining, or

(b) the number of workers employed by the employer, added to the number employed by any associated employer, does not exceed twenty.

(4) A trade union may present a complaint to an industrial tribunal that it has made a request in accordance with paragraph (1) and that it was reasonably practicable for the employer to comply with it, but that he has failed to do so.

(5) An industrial tribunal shall not entertain a complaint under this Article unless it is presented to the tribunal before the end of the period of three months beginning with the date of the failure, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of three months.

(6) Where a tribunal finds that a complaint under this Article is well-founded, the tribunal shall make a declaration to that effect, and may make an award of compensation to be paid by the employer to the union which shall be of such amount as the tribunal considers just and equitable in all the circumstances having regard to the employer's default in failing to comply with the request and to any expenses incurred by the union in consequence of the failure.

(7) The remedy of a trade union for a failure to comply with a request made in accordance with paragraph (1) shall be by way of a complaint under this Article and not otherwise.

Issue by Department of Codes of Practice

5.—(1) The Department may issue Codes of Practice containing such practical guidance as the Department thinks fit for the purpose of promoting the improvement of industrial relations.

(2) The Department shall, after consultation with the Labour Relations Agency (whether carried out before or after the coming into operation of this Article), prepare and publish a draft of any Code of Practice that it proposes to issue under this Article.

(3) The Department shall consider any representations made to it about a draft prepared under paragraph (2) and may modify the draft accordingly.

(4) If the Department determines to proceed with the draft the Department shall lay it before the Assembly and, if it is approved by resolution of the Assembly, shall issue the Code in the form of the draft.

(5) A Code of Practice issued under this Article shall come into operation on such day as the Department may by order appoint; and an order under this paragraph—

- (a) may contain such transitional provisions or savings as appear to the Department to be necessary or expedient;
- (b) shall be subject to negative resolution.

(6) The Department may from time to time revise the whole or any part of a Code of Practice issued under this Article and issue that revised Code, and paragraphs (2) to (5) shall apply to such a revised Code as they apply to the first issue of a Code.

(7) If the Department is of the opinion that the provisions of a Code of Practice to be issued under this Article will supersede the whole or part of a Code previously issued by the Department under this Article or by the Labour Relations Agency under Article 14A of the No. 1 Order, the Department shall in the new Code state that on the day on which the new Code comes into operation in pursuance of an order under paragraph (5) the old Code or a specified part of it shall cease to have effect (subject to any transitional provisions or savings made by the order).

(8) A failure on the part of any person to observe any provision of a Code of Practice issued under this Article shall not of itself render him liable to any proceedings; but in any proceedings before a court or industrial tribunal—

- (a) any such Code shall be admissible in evidence, and
- (b) any provision of the Code which appears to the court or tribunal to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

Exclusion from trade union membership

Unreasonable exclusion or expulsion from trade union membership

6.—(1) This Article applies to employment by an employer with respect to which it is the practice, in accordance with a union membership agreement, for the employee to belong to a specified trade union or one of a number of specified trade unions.

(2) Every person who is, or is seeking to be, in employment to which this Article applies shall have the right—

- (a) not to have an application for membership of a specified trade union unreasonably refused;
- (b) not to be unreasonably expelled from a specified trade union.

(3) The rights conferred by paragraph (2) are in addition to and not in substitution for any right which exists apart from that paragraph; and, without prejudice to any remedy for infringement of any such other right, the remedies for infringement of a right conferred by that paragraph shall be those provided by the following provisions of this Article and Article 7.

(4) A complaint may be presented to an industrial tribunal against a trade union by a person that an application by him for membership of the union has been unreasonably refused, or that he has been unreasonably expelled from the union, in contravention of paragraph (2).

(5) On a complaint under this Article, the question whether a trade union has acted reasonably or unreasonably shall be determined in accordance with equity and the substantial merits of the case, and in particular a union shall not be regarded as having acted reasonably only because it has acted in accordance with the requirements of its rules or unreasonably only because it has acted in contravention of them.

(6) A tribunal shall not entertain a complaint under this Article unless it is presented to the tribunal before the end of the period of six months beginning with the date of the refusal or expulsion, as the case may be, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of six months.

(7) Where a tribunal finds that a complaint under this Article is well-founded, the tribunal shall make a declaration to that effect.

(8) Without prejudice to section 14 of the Industrial Training Act (Northern Ireland) 1964 (a) (appeal to Court of Appeal on a point of law), an appeal shall lie to the High Court on any question of fact arising from any decision of, or arising in any proceedings before, an industrial tribunal under this Article.

(9) For the purposes of this Article and Article 7—

(a) if an application for membership of a trade union has been neither granted nor rejected before the end of the period within which it might reasonably have been expected to be granted if it was to be granted, the application shall be treated as having been refused on the last day of that period, and

(b) if under the rules of a trade union any person ceases to be a member of the union on the happening of an event specified in the rules, he shall be treated as having been expelled from the union.

(10) Any reference in this Article or Article 7 to a trade union includes a reference to a branch or section of a trade union.

(11) Any provision in an agreement shall be void in so far as it purports to exclude or limit the operation of, or to preclude any person from presenting a complaint or making an application under, this Article or Article 7; but this paragraph shall not apply to an agreement to refrain from instituting or continuing proceedings where the Labour Relations Agency has taken action in accordance with Article 62 (2) or (5) of the No. 1 Order.

Compensation

7.—(1) A person who has made a complaint against a trade union under Article 6 which has been declared to be well-founded may make an application to an industrial tribunal for an award of compensation to be paid to him by the union.

(2) An industrial tribunal shall not entertain an application for compensation under this Article if it is made before the end of the period of four weeks beginning with the date of the declaration under Article 6 or after the end of the period of six months beginning with that date.

(3) Subject to the following provisions of this Article, the amount of compensation awarded on an application under this Article—

(a) if at the time when the application is made the applicant has been admitted or re-admitted to membership of the union against which he

(a) 1964 c. 16 (N.I.).

made the complaint, shall be such as the tribunal considers appropriate for the purpose of compensating the applicant for the loss sustained by him in consequence of the refusal or expulsion which was the subject of his complaint, and

(b) if at that time he has not been so admitted or re-admitted, shall be such as the tribunal considers just and equitable in all the circumstances.

(4) In determining the amount of compensation to be awarded under this Article, the industrial tribunal shall apply the same rule concerning the duty of a person to mitigate his loss as applies to damages recoverable under the common law of Northern Ireland.

(5) Where the industrial tribunal finds that the refusal or expulsion which was the subject of the applicant's complaint was to any extent caused or contributed to by any action of the applicant, it shall reduce the amount of the compensation by such proportion as it considers just and equitable having regard to that finding.

(6) The amount of compensation awarded by an industrial tribunal under paragraph (3) (a) shall not exceed the aggregate of—

(a) an amount equal to thirty times the limit for the time being imposed by Article 35 (4) of the No. 1 Order (maximum amount of a week's pay for purpose of calculating basic award in unfair dismissal cases); and

(b) an amount equal to the limit for the time being imposed by Article 37 of that Order (maximum compensatory award in such cases).

(7) The amount of compensation awarded by an industrial tribunal under paragraph (3) (b) shall not exceed the aggregate of—

(a) the amount referred to in paragraph (6) (a);

(b) the amount referred to in paragraph (6) (b); and

(c) an amount equal to fifty-two times the limit for the time being imposed by Article 32 (8) of the No. 1 Order (maximum amount of a week's pay for purpose of calculating additional award of compensation in unfair dismissal cases).

Unfair dismissal

Dismissal relating to trade union membership

8.—(1) In paragraph (6) of Article 22 of the No. 1 Order (dismissal of employee for non-membership of a union to be fair where there is a union membership agreement unless he objects to membership on grounds of religious belief) for the words from “unless” to the end there shall be substituted the words “but subject to paragraphs (6A) to (6C)”.

(2) After paragraph (6) of that Article there shall be inserted—

“(6A) The dismissal of an employee in the circumstances set out in paragraph (6) shall be regarded as unfair if he genuinely objects on grounds of conscience or other deeply-held personal conviction to being a member of any trade union whatsoever or of a particular trade union.

(6B) The dismissal of an employee by an employer in the circumstances set out in paragraph (6) shall be regarded as unfair if the employee—

(a) has been among those employees of the employer who belong to the class to which the union membership agreement relates since before the agreement had the effect of requiring them to be or become members of a trade union, and

(b) has not at any time while the agreement had that effect been a member of a trade union in accordance with the agreement.

(6C) Where a union membership agreement takes effect after the coming into operation of Article 8 of the Industrial Relations (Northern Ireland) Order 1982 in relation to the employees of any class of an employer, and an employee of that class is dismissed by the employer in the circumstances set out in paragraph (6), the dismissal shall be regarded as unfair if—

(a) the agreement has not been approved in relation to those employees in accordance with Article 22A, or

(b) it has been so approved through a ballot in which the dismissed employee was entitled to vote, but he has not at any time since the day on which the ballot was held been a member of a trade union in accordance with the agreement.

(6D) Where the employer of any employees changes in such circumstances that the employees' period of continuous employment is not broken, this Article and Article 22A shall have effect as if any reference to the employees of any class of the later employer included a reference to the employees of that class of the former employer.

(6E) In determining for the purposes of paragraph (6B) and of Article 22A (2) whether a person belongs to a class of employees, any restriction of the class by reference to membership (or objection to membership) of a trade union shall be disregarded."

(3) After that Article there shall be inserted—

"Ballots as to union membership agreements

22A.—(1) A union membership agreement shall be taken for the purposes of Article 22 (6C) to have been approved in relation to the employees of any class of an employer if a ballot has been held on the question whether the agreement should apply in relation to them and not less than 80 per cent. of those entitled to vote in the ballot voted in favour of the agreement's application.

(2) The persons entitled to vote in a ballot under this Article in relation to the application of a union membership agreement to the employees of any class of an employer shall be all those employees who belong to that class, and are in the employment of the employer, on the day on which the ballot is held.

(3) A ballot under this Article shall be so conducted as to secure that, so far as reasonably practicable, all those entitled to vote have an opportunity of voting, and of doing so in secret."

Determination of fairness of dismissal

9. In Article 22 (10) of the No. 1 Order (determination of question of fairness to depend on whether employer can satisfy tribunal that he acted reasonably) for the words from "the employer can" to the end there shall be substituted the words "in the circumstances (including the size and administrative resources of the employer's undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee; and that question shall be determined in accordance with equity and the substantial merits of the case".

Exclusion of rights

10.—(1) After Article 24 of the No. 1 Order there shall be inserted—

“Extended qualifying period where no more than twenty employees

24A.—(1) Subject to paragraph (2), Article 20 does not apply to the dismissal of an employee from any employment if—

- (a) the period (ending with the effective date of termination) during which the employee was continuously employed did not exceed two years; and
 - (b) at no time during that period did the number of employees employed by the employer for the time being of the dismissed employee, added to the number employed by any associated employer, exceed twenty.
- (2) Paragraph (1) shall not apply—
- (a) to the dismissal of an employee by reason of any such requirement or recommendation as is referred to in Article 9(1) of the No. 2 Order;
 - (b) if it is shown that the reason (or, if more than one, the principal reason) for the dismissal was an inadmissible reason; or
 - (c) to the dismissal of a person employed by the managers of a voluntary school within the meaning of the Education and Libraries (Northern Ireland) Order 1972 (a).”.

(2) In Article 25 (b) of the No. 1 Order (which provides that Article 20 does not apply in relation to a contract for a fixed term of two years or more) for the words “two years” there shall be substituted the words “ one year”.

Basic award

11.—(1) Articles 34 and 35 of the No. 1 Order (calculation of basic award for unfair dismissal) shall be amended as follows.

(2) In Article 34 (1) (provisions to which calculation of basic award is subject) after sub-paragraph (b) there shall be inserted—

- “(ba) Article 35 (6A) (which provides for the amount of the award to be reduced where the employee has unreasonably refused an offer of reinstatement);
- (bb) Article 35 (6B) (which provides for the amount of the award to be reduced because of the employee’s conduct);”.

(3) Article 34 (2) (b) (minimum basic award of two weeks’ pay) shall cease to have effect.

(4) In Article 34 (3) (calculation by reference to number of years of employment) for sub-paragraphs (b) and (c) there shall be substituted—

- “(b) one week’s pay for each year of employment not falling within sub-paragraph (a) which consists wholly of weeks in which the employee was not below the age of 22; and
- (c) half a week’s pay for each such year of employment not falling within either of sub-paragraphs (a) and (b).”.

(5) In Article 35 after paragraph (6) there shall be inserted—

“(6A) Where the tribunal finds that the complainant has unreasonably refused an offer by the employer which if accepted would have the effect of reinstating the complainant in his employment in all respects as if he had not been dismissed, the tribunal shall reduce or further reduce the amount of the basic award to such extent as it considers just and equitable having regard to that finding.

(6B) Where the tribunal considers that any conduct of the complainant before the dismissal (or, where the dismissal was with notice, before the notice was given), other than conduct taken into account by virtue of paragraph (6), was such that it would be just and equitable to reduce or further reduce the amount of the basic award to any extent, the tribunal shall reduce or further reduce that amount accordingly.”.

Contribution in respect of compensation

12. After Article 38 of the No. 1 Order there shall be inserted—

“Contribution in respect of compensation

38A.—(1) If in proceedings before an industrial tribunal on a complaint against an employer under Article 29 the employer claims—

(a) that he was induced to dismiss the complainant by pressure which a trade union or other person exercised on him by calling, organising, procuring or financing a strike or other industrial action, or by threatening to do so, and

(b) that the pressure was exercised because the complainant was not a member of any trade union or of a particular trade union, the employer may before the hearing of the complaint require the person who he claims exercised the pressure to be joined as a party to the proceedings.

(2) Where any person has been joined as a party to proceedings before an industrial tribunal by virtue of paragraph (1), and the tribunal—

(a) makes an award of compensation under Article 32 (2) (a) or (b) or (5), but

(b) finds that the claim of the employer (as specified in paragraph (1)) is well-founded,

the tribunal may make an order requiring that person to pay to the employer a contribution in respect of that compensation.

(3) The amount of any contribution ordered to be paid under this Article in respect of any compensation shall be such as the tribunal considers to be just and equitable in the circumstances, and may constitute a complete indemnity.

Indemnity in respect of union membership clauses

38B.—(1) If in proceedings before an industrial tribunal on a complaint against an employer under Article 29 the employer claims that—

(a) he and another person (in this Article and in Article 38C called “the contractor”) were parties to a contract requiring that work done by employees of his for the purposes of the contract should be done only by employees who were members of trade unions or of a particular trade union,

(b) the complainant could not, consistently with that requirement, be employed on that work,

(c) the employer had requested the contractor to consent to the employment of the complainant on that work notwithstanding that requirement,

(d) the contractor had withheld his consent.

(e) apart from the work to which that requirement (or any similar requirement under other contracts to which the employer was a party) related, the employer had no work available which was suitable for the complainant to do, and

(f) the employer would not have dismissed the complainant but for that requirement,
then, subject of paragraph (2), the employer may before the hearing of the complaint require the contractor to be joined as a party to the proceedings.

(2) An employer may not by virtue of this Article require more than one person to be joined in proceedings in respect of any complaint.

(3) Where a person has been joined as a party to proceedings before an industrial tribunal by virtue of paragraph (1) and the tribunal—

- (a) makes an award of compensation under Article 32 (a) or (b) or (5), but
- (b) finds that the claim of the employer (as specified in paragraph (1)) is well-founded,

the tribunal shall order that person to pay to the employer an amount equal to the amount of that compensation.

Contribution in respect of indemnity under Article 38B

38C.—(1) If in the proceedings referred to in Article 38B the contractor claims that he was induced to withhold the consent referred to in paragraph (1) of that Article by pressure which a trade union or other person exercised on him by calling, organising, procuring or financing a strike or other industrial action, or by threatening to do so, the contractor may before the hearing of the complaint require the person who he claims exercised the pressure to be joined as a party to the proceedings.

(2) Where any person has been joined as a party to proceedings before an industrial tribunal by virtue of paragraph (1), and the tribunal—

- (a) makes an order under Article 38B, but
- (b) finds that the claim of the contractor (as specified in paragraph (1)) is well-founded,

the tribunal may make an order requiring that person to pay to the contractor a contribution in respect of the contractor's liability to the employer by virtue of the order under Article 38B.

(3) The amount of any contribution ordered to be paid under this Article in respect of any such liability shall be such as the tribunal considers to be just and equitable in the circumstances, and may constitute a complete indemnity."

Maternity

Notices to employer

13.—(1) In paragraph (2) of Article 15 of the No. 2 Order (which specifies conditions to which the rights to maternity pay and to return to work are subject) for paragraph (c) (information to employer) there shall be substituted—

- “(c) in the case of the right to maternity pay, she informs her employer, in writing if he so requests, at least 21 days before her absence begins or, if that is not reasonably practicable, as soon as reasonably practicable, that she will be (or is) absent from work wholly or partly because of pregnancy or confinement; and
- (d) in the case of the right to return, she informs her employer in writing at least 21 days before her absence begins or, if that is not reasonably practicable, as soon as reasonably practicable,—
 - (i) that she will be (or is) absent from work wholly or partly because of pregnancy or confinement,

- (ii) that she intends to return to work with her employer, and
- (iii) of the expected week of confinement or, if the confinement has occurred, the date of confinement.”.

(2) After that paragraph there shall be inserted—

“(2A) Where not earlier than 49 days after the beginning of the expected week of confinement (or the date of confinement) notified under paragraph (2) (d) an employee is requested in accordance with paragraph (2B) by her employer or a successor of his to give him written confirmation that she intends to return to work, she shall not be entitled to the right to return unless she gives that confirmation within 14 days of receiving the request or, if that is not reasonably practicable, as soon as reasonably practicable.

(2B) A request under paragraph (2A) shall be made in writing and shall be accompanied by a written statement of the effect of that paragraph.”.

(3) In Article 29 of the No. 2 Order, in paragraph (1) (employee to exercise her right to return to work by notifying the employer at least one week in advance)—

(a) for the word “notifying” there shall be substituted the words “giving written notice to”, and

(b) for the words “one week” there shall be substituted the words “21 days”; and in paragraphs (6) and (7) for the words “14 days” there shall be substituted the words “28 days”.

Right to return

14. After Article 30 of the No. 2 Order there shall be inserted—

“Exclusion of Article 30 (1) (a) in certain cases

30A.—(1) Article 30 (1) (a) shall not apply in relation to an employee if—

- (a) immediately before her absence began the number of employees employed by her employer, added to the number employed by any associated employer of his, did not exceed five, and
- (b) it is not reasonably practicable for the employer (who may be the same employer or a successor of his) to permit her to return to work in accordance with Article 28 (1), or for him or an associated employer to offer her employment under a contract of employment satisfying the conditions specified in paragraph (3).

(2) Article 30 (1) (a) shall not apply in relation to an employee if—

- (a) it is not reasonably practicable for a reason other than redundancy for the employer (who may be the same employer or a successor of his) to permit her to return to work in accordance with Article 28 (1), and
- (b) he or an associated employer offers her employment under a contract of employment satisfying the conditions specified in paragraph (3), and
- (c) she accepts or unreasonably refuses that offer.

(3) The conditions referred to in paragraphs (1) and (2) are—

- (a) that the work to be done under the contract is of a kind which is both suitable in relation to the employee and appropriate for her to do in the circumstances; and
- (b) that the provisions of the contract as to the capacity and place in which she is to be employed and as to the other terms and conditions

of her employment are not substantially less favourable to her than if she had returned to work in accordance with Article 28 (1).

(4) Paragraph (1) shall not apply in relation to the employment of a person by the managers of a voluntary school within the meaning of the Education and Libraries (Northern Ireland) Order 1972.

(5) Where on a complaint of unfair dismissal any question arises as to whether the operation of Article 30(1)(a) is excluded by paragraph (1) or (2), it shall be for the employer to show that the provisions of that paragraph were satisfied in relation to the complainant.”.

Time off for ante-natal care

15. After Article 41 of the No. 2 Order there shall be inserted—

“Time off for ante-natal care

41A.—(1) An employee who is pregnant and who has, on the advice of a registered medical practitioner, registered midwife or registered health visitor, made an appointment to attend at any place for the purpose of receiving ante-natal care shall, subject to the following provisions of this Article, have the right not to be unreasonably refused time off during her working hours to enable her to keep the appointment.

(2) Subject to paragraph (3), an employer shall not be required by virtue of this Article to permit an employee to take time off to keep an appointment unless, if he requests her to do so, she produces for his inspection—

- (a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that the employee is pregnant, and
- (b) an appointment card or some other document showing that the appointment has been made.

(3) Paragraph (2) shall not apply where the employee’s appointment is the first appointment during her pregnancy for which she seeks permission to take time off in accordance with paragraph (1).

(4) An employee who is permitted to take time off during her working hours in accordance with paragraph (1) shall be entitled to be paid remuneration by her employer for the period of absence at the appropriate hourly rate.

(5) The appropriate hourly rate in relation to an employee shall be the amount of one week’s pay divided by—

- (a) the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken; or
- (b) where the number of such normal working hours differs from week to week or over a longer period, the average number of such hours calculated by dividing by twelve the total number of the employee’s normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken; or
- (c) in a case falling within sub-paragraph (b) but where the employee has not been employed for a sufficient period to enable the calculation to be made under that sub-paragraph, a number which fairly represents the number of normal working hours in a week having regard to such of the following considerations as are appropriate in the circumstances, that is to say,—

- (i) the average number of normal working hours in a week which the employee could expect in accordance with the terms of her contract;
- (ii) the average number of such hours of other employees engaged in relevant comparable employment with the same employer.

(6) For the purposes of Part II of Schedule 2 to the No. 1 Order as it applies for the calculation of a week's pay for the purposes of this Article, the calculation date is the day of the appointment concerned.

(7) In this Article "week" in relation to an employee whose remuneration is calculated weekly by a week ending with a day other than Saturday means a week ending with that other day, and in relation to any other employee means a week ending with Saturday.

(8) An employee may present a complaint to an industrial tribunal that her employer has unreasonably refused her time off as required by this Article or that he has failed to pay her the whole or part of any amount to which she is entitled under paragraph (4).

(9) An industrial tribunal shall not entertain a complaint under paragraph (8) unless it is presented within the period of three months beginning with the day of the appointment concerned, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within the period of three months.

(10) Where on a complaint under paragraph (8) the tribunal finds the complaint well-founded it shall make a declaration to that effect; and—

- (a) if the complaint is that the employer has unreasonably refused the employee time off, the tribunal shall order the employer to pay to the employee an amount equal to the remuneration to which she would have been entitled under paragraph (4) if the time off had not been refused; and
- (b) if the complaint is that the employer has failed to pay the employee the whole or part of any amount to which she is entitled under paragraph (4), the tribunal shall order the employer to pay to the employee the amount which it finds due to her.

(11) Subject to paragraph (12), a right to any amount under paragraph (4) shall not affect any right of an employee in relation to remuneration under her contract of employment (in this Article referred to as "contractual remuneration").

(12) Any contractual remuneration paid to an employee in respect of a period of time off under this Article shall go towards discharging any liability of the employer to pay remuneration under paragraph (4) in respect of that period, and conversely any payment of remuneration under paragraph (4) in respect of a period shall go towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

(13) Until the coming into operation of section 10 of the Nurses, Midwives and Health Visitors Act 1979 (a), this Article shall have effect as if for any reference to a registered midwife or registered health visitor there were substituted a reference to a certified midwife."

Other rights of employees

Guarantee payments

16.— (1) In Article 5 (2) of the No. 2 Order (which restricts entitlement to five days in any one of the periods of three months beginning on 1st February, 1st May, 1st August and 1st November) for the words from “any” to the end there shall be substituted the words “any period of three months”.

(2) This Article shall not have effect in relation to workless days (within the meaning of Article 3 of that Order) falling before the coming into operation of this Article except so far as they are relevant in determining entitlement to guarantee payments in respect of days falling after that time.

Action short of dismissal relating to trade union membership and activities

17.— (1) In paragraph (1) (c) of Article 33 of the No. 2 Order (right of employee not to have action taken by his employer to compel him to belong to a union which is not independent) the words “which is not independent” shall cease to have effect.

(2) After paragraph (2) of that Article there shall be inserted—

“(2A) Where it is the practice, in accordance with a union membership agreement, for the employees of any class of an employer to belong to a specified independent trade union, or to one of a number of specified independent trade unions, then—

(a) subject to paragraph (2B), the right conferred on employees of that class by virtue of paragraph (1) (b) in relation to a union’s activities shall extend to activities on the employer’s premises only if the union is a specified union; and

(b) employees of that class shall not have the right conferred by virtue of paragraph (1) (c) except in respect of action which, if it amounted to dismissal from employment to which Article 20 of the No. 1 Order applies, would be regarded as unfair by reason of Article 22 (6A), (6B) or (6C).

(2B) A union membership agreement which takes effect after the coming into operation of Article 8 of the Industrial Relations (Northern Ireland) Order 1982 in relation to the employees of any class of an employer shall be disregarded for the purposes of the application of paragraph (2A) (a) to employees of that class of the employer unless the agreement has, for the purposes of Article 22 (6C), been approved in relation to them in accordance with Article 22A.”.

(3) Paragraphs (3), (4), (5) (a) and (6) of Article 33 and paragraph (1) (b) of Article 35 of the No. 2 Order shall cease to have effect.

(4) After Article 36 of the No. 2 Order there shall be inserted—

“Contribution in respect of compensation on certain complaints under Article 34

36A.—(1) Where—

(a) a complaint is presented to an industrial tribunal under Article 34 on the ground that action has been taken against the complainant by his employer for the purpose of compelling him to be or become a member of a trade union, and

(b) the employer claims in proceedings before the tribunal that he was induced to take the action by pressure which a trade union or other

person exercised on him by calling, organising, procuring or financing a strike or other industrial action, or by threatening to do so,

the employer may before the hearing of the complaint require the person who he claims exercised the pressure to be joined as a party to the proceedings.

(2) Where any person has been joined as a party to proceedings before an industrial tribunal by virtue of paragraph (1), and the tribunal—

(a) makes an award of compensation in favour of the complainant, but

(b) finds that the claim of the employer (as specified in paragraph (1)) is well-founded,

the tribunal may make an order requiring that person to pay to the employer a contribution in respect of that compensation.

(3) The amount of any contribution ordered to be paid under this Article in respect of any compensation shall be such as the tribunal considers to be just and equitable in the circumstances, and may constitute a complete indemnity.”.

Restrictions on legal liability

Picketing

18.—(1) After Article 64 of the No. 1 Order there shall be inserted—

“Peaceful picketing

64A.—(1) It shall be lawful for a person in contemplation or furtherance of a trade dispute to attend—

(a) at or near his own place of work, or

(b) if he is an official of a trade union, at or near the place of work of a member of that union whom he is accompanying and whom he represents,

for the purpose only of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working.

(2) If a person works or normally works—

(a) otherwise than at any one place, or

(b) at a place the location of which is such that attendance there for a purpose mentioned in paragraph (1) is impracticable,

his place of work for the purposes of that paragraph shall be any premises of his employer from which he works or from which his work is administered.

(3) In the case of a worker who is not in employment and whose last employment was terminated in connection with a trade dispute, paragraph (1) shall in relation to that dispute have effect as if any reference to his place of work were a reference to his former place of work.

(4) A person who is an official of a trade union by virtue only of having been elected or appointed to be a representative of some of the members of the union shall be regarded for the purposes of paragraph (1) as representing only those members; but otherwise an official of a trade union shall be regarded for those purposes as representing all its members.

(5) Nothing in Article 64 shall prevent an act done in the course of picketing from being actionable in tort unless it is done in the course of attendance declared lawful by this Article.”.

(2) Section 2 of the Trades Disputes Act 1906 (a) shall cease to have effect.

(a) 1906 c. 47.

Secondary action

19.—(1) Nothing in Article 64 of the No. 1 Order shall prevent an act from being actionable in tort on a ground specified in paragraph (1) (a) or (b) of that Article in any case where—

- (a) the contract concerned is not a contract of employment, and
- (b) one of the facts relied upon for the purpose of establishing liability is that there has been secondary action which is not action satisfying the requirements of paragraph (3), (4) or (5) of this Article.

(2) For the purposes of this Article there is secondary action in relation to a trade dispute when, and only when, a person—

- (a) induces another to break a contract of employment or interferes or induces another to interfere with its performance, or
- (b) threatens that a contract of employment under which he or another is employed will be broken or its performance interfered with, or that he will induce another to break a contract of employment or to interfere with its performance,

if the employer under the contract of employment is not a party to the trade dispute.

(3) Secondary action satisfies the requirements of this paragraph if—

- (a) the purpose or principal purpose of the secondary action was directly to prevent or disrupt the supply during the dispute of goods or services between an employer who is a party to the dispute and the employer under the contract of employment to which the secondary action relates; and
- (b) the secondary action (together with any corresponding action relating to other contracts of employment with the same employer) was likely to achieve that purpose.

(4) Secondary action satisfies the requirements of this paragraph if—

- (a) the purpose or principal purpose of the secondary action was directly to prevent or disrupt the supply during the dispute of goods or services between any person and an associated employer of an employer who is a party to the dispute; and
- (b) the goods or services are in substitution for goods or services which but for the dispute would have fallen to be supplied to or by the employer who is a party to the dispute; and
- (c) the employer under the contract of employment to which the secondary action relates is either the said associated employer or the other party to the supply referred to in sub-paragraph (a); and
- (d) the secondary action (together with any corresponding action relating to other contracts of employment with the same employer) was likely to achieve the purpose referred to in sub-paragraph (a).

(5) Secondary action satisfies the requirements of this paragraph if it is done in the course of attendance declared lawful by Article 64A of the No. 1 Order—

- (a) by a worker employed (or, in the case of a worker not in employment, last employed) by a party to the dispute, or
- (b) by a trade union official whose attendance is lawful by virtue of paragraph (1) (b) of that Article.

(6) In paragraphs (3) (a) and (4) (a)—

- (a) references to the supply of goods or services between two persons are

references to the supply of goods or services by one to the other in pursuance of a contract between them subsisting at the time of the secondary action, and

(b) references to directly preventing or disrupting the supply are references to preventing or disrupting it otherwise than by means of preventing or disrupting the supply of goods or services by or to any other person.

(7) For the purposes of this Article an employer who is a member of an employers' association which is a party to a trade dispute shall by virtue of his membership be regarded as a party to the dispute if he is represented in the dispute by the association, but not otherwise.

(8) Paragraph (3) of Article 64 of the No. 1 Order shall cease to have effect.

Acts to compel trade union membership

20.—(1) Nothing in Article 64 of the No. 1 Order shall prevent an act to which this Article applies from being actionable in tort on a ground specified in paragraph (1) (a) or (b) of Article 64 in any case where—

(a) the contract concerned is a contract of employment, or

(b) the contract concerned is not a contract of employment but one of the facts relied upon for the purpose of establishing liability is that any person has—

(i) induced another to break a contract of employment or interfered or induced another to interfere with its performance, or

(ii) threatened that a contract of employment under which he or another is employed will be broken or its performance interfered with, or that he will induce another to break a contract of employment or to interfere with its performance.

(2) This Article applies to an act done for the purpose of compelling workers to become members of a particular trade union or of one of two or more particular trade unions, if none of those workers works for the same employer or at the same place as the employee working under the contract of employment referred to in paragraph (1).

Wages Councils

Miscellaneous amendments of Wages Councils Act (Northern Ireland) 1945

21. The provisions of the Wages Councils Act (Northern Ireland) 1945 (a) specified in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

Amendments and repeals

Provisions ceasing to have effect

22. The following statutory provisions shall cease to have effect, that is to say—

(a) section 44 (1) (a) and (3) of the Transport Act (Northern Ireland) 1967 (b) (fixing of remuneration and terms and conditions of employment of employees in road transport industry);

(b) Article 15 of the No. 1 Order (collective bargaining in low pay sectors);

(c) Article 67 of the No. 1 Order (charter on freedom of the press);

(d) Article 48 of, and Schedule 3 to, the No. 2 Order (extension of terms and conditions of employment).

(a) 1945 c. 21 (N.I.).

(b) 1967 c. 37 (N.I.).

Amendments and repeals

23.—(1) The statutory provisions specified in Schedule 2 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions specified in columns 1 and 2 of Schedule 3 are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh,

Clerk of the Privy Council.

SCHEDULES

Article 21.

SCHEDULE 1

AMENDMENTS OF WAGES COUNCILS ACT (NORTHERN IRELAND) 1945 (c. 21).

1. In subsection (2) of section 6 the words from “and where such an application” to the end are repealed and after that subsection insert the following subsections—

“(2A) The Department—

(a) shall in any case where an application for the abolition of a wages council has been made to it under subsection (2) and it does not thereupon proceed to the making of an order giving effect to the application,

(b) may in any other case where it is considering whether to exercise the powers under subsection (1) to abolish or vary the field of operation of a wages council,

refer to the Labour Relations Agency the question whether the council should be abolished or, as the case may be, its field of operation varied.

(2B) Where an application or question is referred to the Agency under subsection (2A), section 5 shall, in relation to an order made in pursuance of a recommendation of the Agency, have effect as if any reference to a wages council recommendation included a reference to such a recommendation.”.

2. For section 10 substitute the following section—

“Power to fix remuneration and holidays. 10.—(1) A wages council may make an order, subject to and in accordance with the provisions of this section,—

(a) fixing the remuneration,

(b) requiring holidays to be allowed,

for all or any of the workers in relation to whom the council operates.

(2) An order under this section requiring a holiday to be allowed for a worker—

(a) shall not be made unless both holiday remuneration in respect of the period of the holiday and remuneration other than holiday remuneration have been or are being fixed under this Part of this Act for that worker;

(b) shall provide for the duration of the holiday being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday; and

(c) subject as aforesaid, may make provisions as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed.

(3) Any order under this section fixing holiday remuneration may contain provisions—

(a) as to the times at which, and the conditions subject to which, that remuneration shall accrue and shall become payable, and

(b) for securing that any such remuneration which has accrued due to a

worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

(4) Before making an order under this section the council shall make such investigations as it thinks fit and shall—

(a) publish in the prescribed manner notice of the council's proposals with respect to remuneration and holidays; and

(b) give the prescribed notice for the purpose of informing, so far as practicable, all persons affected by the proposals, stating the place where copies of the proposals may be obtained and the period (which shall not be less than twenty one days from the date of publication of the notice) within which written representations with respect to the proposals may be sent to the council.

(5) After considering any written representations made with respect to any such proposals within the said period and making such further inquiries as the council considers necessary, or if no such representations are made within that period, after the expiration of that period, the council may make an order—

(a) giving effect to the proposals; or

(b) giving effect to them with such modifications as the council thinks fit having regard to any such representations;

but if it appears to the council that, having regard to the nature of any proposed modifications, an opportunity should be given to persons concerned to consider the modifications, the council shall again publish the proposals and give notice under subsection (4), and that subsection and this subsection shall apply accordingly.

(6) An order under this section shall have effect as regards any terms as to remuneration as from a date specified in the order, which may be a date earlier than the date of the order but not earlier than the date on which the period referred to in paragraph (4) (b) ended; but where any such order fixing workers' remuneration applies to any worker who is paid wages at intervals not exceeding seven days and the date so specified does not correspond with the beginning of the period for which the wages are paid (hereafter in this section referred to as a wages period), the order shall, as respects that worker, have effect as from the beginning of the next wages period following the date specified in the order.

(7) Any increase in remuneration payable by virtue of an order under this section in respect of any time before the date of the order shall be paid by the employer within a period specified in the order, being—

(a) in the case of a worker who is in the employment of the employer on the date of the order, a period beginning with that date;

(b) in the case of a worker who is no longer in the employment of the employer on that date, a period beginning with the date on which the employer receives from the worker or a person acting on his behalf a request in writing for the remuneration;

but if, in the case of a worker falling within paragraph (a) who is paid wages at intervals not exceeding seven days, pay day (the day on which wages are normally paid to him) for any wages period falling wholly or partly within the period so specified occurs within seven days from the end of that specified period, any such remuneration shall be paid not later than pay day.

(8) As soon as a council has made an order under this section it shall give the prescribed notice of the making and contents of the order and shall then and subsequently give such notice of other prescribed matters

affecting its operation for the purpose of informing, so far as practicable, all persons who will be affected by it.

(9) A document purporting to be a copy of an order made by a council under this section and to be signed by the secretary of the council shall be taken to be a true copy of the order unless the contrary is proved.

(10) An order under this section shall not prejudice any rights conferred on any worker by or under any other Act.

(11) In this section "remuneration" includes holiday remuneration, and in the following provisions of this Act—

(a) "statutory minimum remuneration" means any remuneration fixed by a wages regulation order;

(b) "wages regulation order" means an order made under this Article."

3. In section 11—

(a) in subsection (2) after the words "statutory minimum remuneration" where they first occur insert the words ", or fails to pay to any such worker arrears of remuneration before the expiration of the period specified in the order" and after those words in the second place where they occur insert the words ", or to pay arrears of remuneration" and after the word "remuneration" in the last place where it occurs insert the words "or arrears";

(b) in subsection (3) after the words "statutory minimum remuneration" insert the words ", or to pay arrears of remuneration" and after the word "remuneration" in paragraph (b) insert the words "or arrears".

4. After section 18 insert the following section—

"Reports by
Agency on
regulation of
terms and
conditions of
employment.

18A. The Labour Relations Agency shall, if requested to do so by the Department—

(a) inquire into and report on the development by agreement of machinery for the regulation of the remuneration of workers within the field of operation of a wages council and the question whether, in order to maintain a reasonable standard of remuneration of those workers, it is necessary to regulate their remuneration by means of wages regulation orders;

(b) inquire into and report on the operation generally of this Act;

(c) publish a report made under paragraph (a) or (b)."

Article 23 (1).

SCHEDULE 2 AMENDMENTS

The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)

In Schedule 1 in paragraph 5A for the words "Article 29" substitute the words "Article 28" and after "1976" insert the words "or in pursuance of an offer made in the circumstances described in Article 30A (2) of that Order".

In Schedule 2 in paragraph 5 for the words "or 41" substitute the words "41 or 41A".

The Companies Act (Northern Ireland) 1960 (c. 22)

In section 287 (7) (d) (iii) for the words "or 41 (3)" substitute the words "41 (3) or 41A (4)".

The Equal Pay Act (Northern Ireland) 1970 (c. 32)

In section 4 (1) for the words from "the Department may" to the end substitute the words "it shall be the duty of the wages council, by a further order coming into operation not later than five months after the date of the Court's decision, either to make those amendments in the order referred to by the Court or otherwise to replace or amend that order so as to remove the discrimination."

In section 4 (3) for the words "section 10 (7)" substitute the words "section 10 (10)".

The Industrial Relations (Northern Ireland) Order 1976
(S.I. 1976/1043 (N.I. 16))

In Article 14A after paragraph (9) insert the following paragraph—

“(9A) If the Agency is of the opinion that the provisions of a Code of Practice to be issued under this Article will supersede the whole or part of a Code previously issued by it under this Article or by the Department under Article 5 of the Industrial Relations (Northern Ireland) Order 1982, it shall in the new Code state that on the day on which the new Code comes into effect in pursuance of an order under paragraph (5) or (7) the old Code or a specified part of it shall cease to have effect (subject to any transitional provisions or savings made by the order).”.

In Article 21 (5) after “24 (1)(a)” insert “24A”.

In Article 22 (8) for the words “paragraph (4) or (6)” substitute the words “paragraph (4), (6A), (6B) or (6C)”.

In Article 24 (3) after the words “paragraph (1)” insert the words “or Article 24A (1)”.

In Article 27—

(a) paragraph (1) shall cease to have effect;

(b) in paragraph (2) for the words from “on” to “satisfied” there shall be substituted the words “at any time when a designation under Article 26 is in force in respect of a dismissal procedures agreement the Department is satisfied, whether on an application by any of the parties to the agreement or otherwise,”.

In Article 32 (3) (a) for the words “Article 22 (4) or (6)” substitute the words “Article 22 (4), (6A), (6B) or (6C)”.

In Article 42 (4) (d) for the words “or 41 (3)” substitute the words “41 (3) or 41A (4)”.

In Article 59 (2) (a) after the word “question” insert the word “application”.

In Article 62 (1) after sub-section (a) add—

“(aa) arising out of a contravention, or alleged contravention, of Article 6 of the Industrial Relations (Northern Ireland) Order 1982; or”.

In Article 68 (2) after “24 (1) (a)” (twice) insert the words “or 24A”.

In Article 78 paragraph (2) (a) shall cease to have effect.

The Industrial Relations (No. 2) (Northern Ireland) Order 1976
(S.I. 1976/2147 (N.I. 28))

In Article 5 (5) for the words “relevant periods” substitute the words “length of the period”.

In Article 30 (1) after the word “then” insert the words “subject to Article 30A”.

In Article 42 for “41” substitute “41A”.

In Article 49 (2) after “41” insert “41A”.

In Article 56 (2) (a) after “41” insert “41A”.

In Article 59 paragraph (2) (b) shall cease to have effect.

In Schedule 2 in paragraph 2 (1) in the paragraph set out therein for the words from “the employer can” to the end substitute the words “in the circumstances (including the size and administrative resources of the employer’s undertaking) the employer would have been acting reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee if she had not been absent from work; and that question shall be determined in accordance with equity and the substantial merits of the case”.

In Schedule 2 in paragraphs 2 (4) and 4 (3) for the words “22 (6) and (7)” substitute the words “22 (6) to (7), 22A”.

The Bankruptcy Amendment (Northern Ireland) Order 1980
(S.I. 1980/561 (N.I. 4))

In Article 20(5) (b) (iv) for the words “or 41 (3)” substitute the words “41 (3) or 41A (4)”.

SCHEDULE 3
REPEALS

Chapter or Number	Short Title	Extent of Repeal
1906 c. 47.	The Trades Disputes Act 1906.	Section 2.
1945 c. 21. (N.I.).	The Wages Councils Act (Northern Ireland) 1945.	In section 6 (2) the words from "and where such an application" to the end.
1965 c. 19. (N.I.).	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	Section 22.
1967 c. 37. (N.I.).	The Transport Act (Northern Ireland) 1967.	In section 44— (a) in subsection (1) the words "or an operator's licence" and "or goods", paragraph (a) and in paragraph (b) the words from the beginning to "paragraph (a)"; (b) in subsection (2) the words "or an operator's licence" and "or goods"; (c) subsection (3).
S.I. 1976/1043 (N.I. 16).	The Industrial Relations (Northern Ireland) Order 1976.	Article 15. In Article 24 (1) the words from "but this Article" to the end. Article 27 (1). Article 34 (2) (b). Article 64 (3). Article 67. Article 78 (2) (a).
S.I. 1976/2147 (N.I. 28).	The Industrial Relations (No. 2) (Northern Ireland) Order 1976.	Article 14 (6). In Article 15 (2) the word "and" at the end of sub-paragraph (b). In Article 33, in paragraph (1) (c) the words "which is not independent" and paragraphs (3), (4), (5) (a) and (6). In Article 35 (1) sub-paragraph (b) and the word "and" immediately preceding it. Article 48. In Article 59 paragraph (2) (b) and in paragraph (d) the words "or paragraph 11 (b) or (c) of Schedule 3" and the words from "or, as" to the end. In Article 62 (1) the word "48". Schedule 3. In Schedule 4, paragraphs 2, 3 (1) and (2) and 5 (2) and (12). In Schedule 5, paragraph 2.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Order provides for payments out of public funds towards trade unions' expenditure in respect of ballots, for the use of employers' premises in connection with ballots and for the issue by the Department of Manpower Services of Codes of Practice for the improvement of industrial relations and makes provision in respect of the exclusion or expulsion from trade unions. The Order also amends the law in relation to unfair dismissal, maternity, guarantee payments, trade union membership and activities and wages councils and amends certain restrictions on legal liability in connection with a trade dispute.

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