

SCHEDULES

SCHEDULE 5

AMENDMENTS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

The Social Security Pensions (Northern Ireland) Order 1975 (NI 15)

1. In Article 33(8) in the definition of “independent trade union” for the words from “means” to the end substitute “has the meaning assigned to it by Article 2(2) of the Industrial Relations (Northern Ireland) Order 1992”.

The Industrial Relations (Northern Ireland) Order 1976 (NI 16)

2.—(1) In Article 2(2), in the appropriate place in alphabetical order, insert the following definition—

““recognised”, in relation to a trade union, has the meaning assigned to it by Article 42(a) of the No. 2 Order”.

(2) In Article 2(2) for the definitions of “collective agreement” and “collective bargaining” substitute—

““collective agreement” and “collective bargaining” have the meanings assigned to them by Article 2(2) of the Industrial Relations (Northern Ireland) Order 1992”.

(3) In Article 2(2) for the definition of “trade dispute” substitute—

““trade dispute” has the meaning assigned to it by Article 2(4) to (7) of the Industrial Relations (Northern Ireland) Order 1992 for the purposes of that Order (except Part XI)”.

(4) In Article 22A for paragraph (15) substitute—

“(15) In this Article references to being, becoming or ceasing to remain a member of a trade union shall include references to being, becoming or ceasing to remain a member of a particular branch or section of that union and to being, becoming or ceasing to remain a member of one of a number of particular branches or sections of that union, and references to taking part in the activities of a trade union shall be similarly construed.”.

(5) In Article 62(1) for sub-paragraph (aa) substitute—

“(aa) arising out of a contravention, or alleged contravention, of Article 29 of the Industrial Relations (Northern Ireland) Order 1992 or of an infringement, or alleged infringement, of the right conferred by Article 34 of that Order; or”.

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The Industrial Relations (No. 2) (Northern Ireland) Order 1976 (NI 28)

3.—(1) In Article 33 for paragraph (8) substitute—

“(8) In this Article references to being, becoming or ceasing to remain a member of a trade union shall include references to being, becoming or ceasing to remain a member of a particular branch or section of that union and to being, becoming or ceasing to remain a member of one of a number of particular branches or sections of that union, and references to taking part in the activities of a trade union shall be similarly construed.”.

(2) In Articles 37(2) and 38(3) for “Article 14A of the No. 1 Order” substitute “Article 90 of the Industrial Relations (Northern Ireland) Order 1992”.

(3) In Article 42 for paragraph (a) substitute—

“(a) a trade union shall be taken to be recognised by an employer if it is recognised by him, to any extent, for the purpose of collective bargaining”.

(4) In Article 60(4)—

(a) in the definition of “the corresponding Great British legislation” after “means” insert “the Employment Protection Act 1975 and”;

(b) in the definition of “the relevant Northern Irish legislation” after sub-paragraph (c) add
“and

(d) Part V of the Industrial Relations (Northern Ireland) Order 1992;”.

The Wages (Northern Ireland) Order 1988 (NI 7)

4.—(1) In paragraph (6) of Article 3 at the end add—

“; and where a certificate has been given by a worker to his employer for the purposes of Article 65 of the Industrial Relations (Northern Ireland) Order 1992 (deduction of contributions to a trade union’s political fund), nothing in the worker’s contract, or in any agreement or consent signified by the worker, shall be taken for the purposes of this Article as authorising the making of deductions in contravention of any obligation imposed on the employer in consequence of the giving of that certificate.”.

(2) After paragraph (3) of Article 7 insert—

“(3A) Where a deduction has been made in contravention of an obligation imposed on an employer in consequence of the giving of any certificate for the purposes of Article 65 of the Industrial Relations (Northern Ireland) Order 1992 (deduction of contributions to a trade union’s political fund)—

(a) no complaint under this Article shall be presented in respect of that deduction unless a declaration has been made under paragraph (4) of that Article, either before or after the date of payment of the wages from which the deduction was made, that the employer has failed to comply with the obligation imposed in consequence of the giving of that certificate; and

(b) paragraph (2) shall be read, in relation to any complaint in respect of that deduction or of a series of deductions of which that is the last, as referring, if it is later, to the date of the declaration instead of to the date of payment of the wages from which the deduction was made.”.

(3) Nothing in this paragraph shall affect the operation of the Wages (Northern Ireland) Order 1988 in relation to any deduction from wages paid before the appointed day.