S C H E D U L E S

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

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

In Article 2(2) after "this Order" insert ", the No. 1 Order and the Act of 1965" and at the appropriate places in alphabetical order insert the following definitions—

"childbirth" means the birth of a living child or the birth of a child whether living or dead after twenty-four weeks of pregnancy;

"expected week of childbirth" means the week, beginning with midnight between Saturday and Sunday, in which it is expected that childbirth will occur;

"maternity leave period" shall be construed in accordance with Articles 15 and 16;

"notified day of return" shall be construed in accordance with Article 24(3) and (4);

"notified leave date" shall be construed in accordance with Article 17.

In Article 2 after paragraph (3) insert—

"(3A) For the purposes of Articles 43 to 43D and Article 47 so far as relating to those Articles, the definition of "employee" in Article 2(2) of the No. 1 Order shall have effect with the omission of the words "otherwise than in police service"."

In Article 13(b) for "other employee to resume his original work" substitute "resumption of work by the other employee".

In Article 49(2) for the words from the beginning to "44" substitute "Articles 3 to 42 and 44".

In Article 49 after paragraph (3) insert—

"(3A) Articles 43 to 43C do not apply—

(a) in relation to employment during any period when the employee is engaged in work wholly or mainly outside Northern Ireland unless—

(i) the employee ordinarily works in Northern Ireland and the work outside Northern Ireland is for the same employer; or

(ii) the law which governs his contract of employment is the law of Northern Ireland;

(b) to a person employed as a seaman in a ship registered in the United Kingdom under a crew agreement the provisions and form of which are of a kind approved by the Secretary of State.".

In Article 56(2) after "9" insert ", 13A, 27, 28".

In Article 59(2) at the end add—

"(d)   to any agreement to refrain from instituting or continuing any proceedings before an industrial tribunal where the tribunal has jurisdiction in respect of the proceedings by virtue of an order under Article 57.".

In Article 63(2) for "15(5)" substitute "13D, 15(3), 16(4), 20(3),".

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In Schedule 2 in paragraph 2(1), in the substituted paragraph (3), for the words from "Article 22A(1)" to "Article 14" substitute "Articles 22A to 23 and to Article 29".

In Schedule 2 in paragraph 2(2) for "Article 28(4)" substitute "Article 22(1)".

In Schedule 2 in paragraph 2(4) for "Article 34(4), (6) and (7)" substitute "Article 34(4), (8) and (9)".

In Schedule 2 in paragraph 2(5) for "the original contract of employment" substitute "her contract of employment immediately before the beginning of her maternity leave period".

In Schedule 2 in paragraph 3(1) for head (c) substitute—

"(c)   the reference in section 13(5) of that Act (trial period) to the provisions of the previous contract shall be construed as a reference to the provisions of the contract under which the employee worked immediately before the beginning of her maternity leave period.".

In Schedule 2 in paragraph 3(4) for "the original contract of employment" substitute "her contract of employment immediately before the beginning of her maternity leave period".

In Schedule 2 in paragraph 4 for sub-paragraph (1) subsitute—

"(1) This paragraph applies where an employee has the right to return to work under Article 20 and either her maternity leave period ends by reason of dismissal or she is dismissed after her maternity leave period.".

In Schedule 2 in paragraph 4(2) for "during the period of her absence" substitute "after her maternity leave period" and for "paragraph 5" substitute "Article 25".

In Schedule 2 in paragraph 6 after "return to work" insert "in accordance with Article 23" and for the words from "during her absence" to "confinement" substitute "on a day falling after the commencement of her maternity leave period and before the notified day of return".

In Schedule 2 in paragraph 7 after "Schedule" insert "and Article 25".