
STATUTORY INSTRUMENTS

1995 No. 1980

**The Trade Union and Labour Relations
(Northern Ireland) Order 1995**

**PART I
INTRODUCTORY**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“act” and “action” each includes omission and references to doing an act or taking action shall be construed accordingly;

“the Agency” means the Labour Relations Agency;

[^{F2}“agency worker” has the meaning given in regulation 3 of the Agency Workers Regulations (Northern Ireland) 2011;]

“the appointed day”, in any provision, means the day appointed under Article 1(2) for the coming into operation of that provision;

“branch” or “section”, in relation to a trade union or employers' association, includes a branch or section which is itself a trade union or employers' association;

[^{F3}“certificate of independence” means a certificate issued under—

- (a) Article 6 of the 1992 Order,
- (b) Article 82A(4), or
- (c) section 6(6) or 101A(4) of the Trade Union and Labour Relations (Consolidation) Act 1992;]

“the Certification Officer” means the Certification Officer for Northern Ireland;

“conduct” includes statements and acts;

“contract of employment” means a contract of service or of apprenticeship;

“contravention”, in relation to any order of a court or other requirement, includes a failure to comply;

“the Department” means the Department of Economic Development;

“the duty of confidentiality” has the meaning assigned to it by Article 4(3);

“employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment;

“employer”

(a) in relation to an employee, means the person by whom the employee is (or, where the employment has ceased, was) employed;

(b) in relation to a worker, means a person for whom one or more workers work, or have worked or normally work or seek to work;

“employers' association” has the meaning assigned to it by Article 4(1) and (2) of the 1992 Order;

“executive”, in relation to a trade union or employers' association, means the principal committee of the union or association exercising executive functions, by whatever name it is known;

“general secretary”, in relation to a trade union or employers' association, means the official of the union or association who holds the office of general secretary or, where there is no such office, who holds an office which is equivalent, or the nearest equivalent, to that of general secretary;

“government department” means a Northern Ireland department or a department of the Government of the United Kingdom;

“Great Britain union” means a trade union whose head or main office is situated in England, Wales or Scotland;

“independent trade union” has the meaning assigned to it by Article 2(2) of the 1992 Order;

“officer”, in relation to a trade union or an employers' association, includes any member of the governing body of that union or association and any trustee of any fund applicable for the purposes of that union or association;

“official”, in relation to a trade union, means—

(a) an officer of the union or of a branch or section of the union, or

(b) a person elected or appointed in accordance with the rules of the union to be a representative of its members or of some of them,

and includes a person so elected or appointed who is an employee of the same employer as the members or one or more of the members whom he is to represent;

Definition rep. by SI 2001/1149

“president”, in relation to a trade union or employers' association, means the official of the union or association who holds the office of president or, where there is no such office, who holds an office which is equivalent, or the nearest equivalent, to that of president;

“regulations” means regulations made by the Department;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F4};

“rules”, in relation to a trade union or employers' association, includes the rules of any branch or section;

“trade union” has the meaning assigned to it by Article 3(1) of the 1992 Order;

“worker” means an individual who works, or normally works or seeks to work—

(a) under a contract of employment, or

(b) under any other contract whereby he undertakes to do or perform personally any work or services for another party to the contract who is not a professional client of his, or

(c) in employment under or for the purposes of a government department (otherwise than as a member of the naval, military or air forces of the Crown) in so far as such employment does not fall within sub-paragraph (a) or (b);

[^{F5}“the Employment Rights Order” means the Employment Rights (Northern Ireland) Order 1996;]

“the 1992 Order” means the Industrial Relations (Northern Ireland) Order 1992^{F6};

“the Great Britain Act” means the Trade Union and Labour Relations (Consolidation) Act 1992^{F7};

Definition rep. by 1996 NI 16

F1 1954 c. 33 (NI)

F2 Art. 2(2): definition of "agency worker" inserted (5.12.2011) by [Agency Workers Regulations \(Northern Ireland\) 2011 \(S.R. 2011/350\)](#), reg. 23(2), **Sch. 2 para. 5**

F3 2004 NI 19

F4 1954 c. 33 (NI)

F5 1996 NI 16

F6 1992 NI 5

F7 1992 c. 52

Changes to legislation:

There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Section 2.