
STATUTORY INSTRUMENTS

1999 No. 2790

The Employment Relations (Northern Ireland) Order 1999

Miscellaneous

Indexation of amounts, etc.

33.—(1) This Article applies to the sums specified in the following provisions—

- (a) Article 40(6) of the Trade Union and Labour Relations Order (right to membership of trade union: remedies);
- (b) Article 23(1) of the Employment Rights Order (maximum amount of a week's pay for purposes of certain calculations);
- (c) Article 63(1) of that Order (guarantee payments: limits);
- [^{F1}(ca) Article 77E(3) of that Order (unlawful inducements: amount of award);]
- (d) Article 154(1) of that Order (unfair dismissal: minimum amount of basic award);
- (e) Article 158(1) of that Order (unfair dismissal: limit of compensatory award);
- (f) Article 231(1)(a) and (b) of that Order (employee's rights on insolvency of employer: maximum amount payable).

(2) If the retail prices index for September of a year is higher or lower than the index for the previous September, the Department shall ^{F2}... make an order in relation to each sum mentioned in paragraph (1)—

- (a) increasing each sum, if the new index is higher, or
- (b) decreasing each sum, if the new index is lower,

by the same percentage as the amount of the increase or decrease of the index [^{F3}and the order shall come into operation on the following 6th April] .

(3)

In making the calculation required by paragraph (2) the Department shall [^{F4}round the result to the nearest whole pound, taking 50p as nearest to the next whole pound above] .

(4) For the sum specified in Article 158(1) of the Employment Rights Order (unfair dismissal: limit of compensatory award) there shall be substituted the sum of £50,000 (subject to paragraph (2) above).

(5) In this Article “the retail prices index” means—

- (a) the general index of retail prices (for all items) published by the Office for National Statistics, or
- (b) where that index is not published for a month, any substituted index or figures published by that Office.

(6) An order under [^{F5}paragraph (2)] shall be laid before the Assembly after being made.

[^{F6}(7) The Department may at any time make an order increasing or decreasing any sum to which this Article applies if a draft of the order has been laid before, and approved by resolution of, the Assembly.

(8) An order under paragraph (7) may exclude the application of paragraph (2) in relation to any sum increased or decreased by the order for such period as may be specified in the order.]

- F1** 2004 NI 19
- F2** Words in art. 33(2) repealed (30.3.2018) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 22(2)(a), 29(2), **Sch. 3**; S.R. 2018/79, art. 2
- F3** Words in art. 33(2) added (30.3.2018) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 22(2)(b), 29(2); S.R. 2018/79, art. 2(1)
- F4** Words in art. 33(3) substituted (30.3.2018) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 22(3), 29(2); S.R. 2018/79, art. 2(1)
- F5** Words in art. 33(6) substituted (30.3.2018) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 22(4), 29(2); S.R. 2018/79, art. 2(1)
- F6** Art. 33(7)(8) added (30.3.2018) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 22(5), 29(2); S.R. 2018/79, art. 2(1)

Modifications etc. (not altering text)

- C1** Art. 33 power to exclude conferred (1.10.2006) by [Work and Families \(Northern Ireland\) Order 2006 \(S.I. 2006/1947 \(N.I. 10\)\)](#), arts. 1(3), **16(4)** (with art. 16(3)); S.R. 2006/344, **art. 3(d)**
- C2** Art. 33 restricted (1.10.2009) by [Work and Families \(Increase of Maximum Amount\) Order \(Northern Ireland\) 2009 \(S.R. 2009/317\)](#), **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the The Employment Relations (Northern Ireland) Order 1999, Section 33.