
STATUTORY INSTRUMENTS

1999 No. 661

**The Trade Union Subscription Deductions
(Northern Ireland) Order 1999**

Title and commencement

1.—(1) This Order may be cited as the Trade Union Subscription Deductions (Northern Ireland) Order 1999.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

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

Deduction from wages of trade union subscriptions

3.—(1) For Article 35 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (“the 1995 Order”) (right not to suffer deduction of unauthorised or excessive subscriptions) and the heading immediately preceding it there shall be substituted—

“Right not to suffer deduction of unauthorised union subscriptions

Right not to suffer deduction of unauthorised subscriptions

35.—(1) Where arrangements (“subscription deduction arrangements”) exist between the employer of a worker and a trade union relating to the making from workers' wages of deductions representing payments to the union in respect of the workers' membership of the union (“subscription deductions”), the employer shall ensure that no subscription deduction is made from wages payable to the worker on any day unless—

- (a) the worker has authorised in writing the making from his wages of subscription deductions; and
- (b) the worker has not withdrawn the authorisation.

(2) A worker withdraws an authorisation given for the purposes of paragraph (1), in relation to a subscription deduction which falls to be made from wages payable to him on any day, if a written notice withdrawing the authorisation has been received by the employer in time for it to be reasonably practicable for the employer to secure that no such deduction is made.

(3) A worker's authorisation of the making of subscription deductions from his wages shall not give rise to any obligation on the part of the employer to the worker to maintain or continue to maintain subscription deduction arrangements.

(4) In this Article and Article 36, “employer”, “wages” and “worker” have the same meanings as in the Employment Rights Order.”.

(2) In Article 36 of the 1995 Order (complaint of infringement of rights), for paragraph (2) there shall be substituted—

“(2) Where a tribunal finds that a complaint under this Article is well-founded, it shall make a declaration to that effect and shall order the employer to pay to the worker the whole amount of the deduction, less any such part of the amount as has already been paid to the worker by the employer.”.

Transitional arrangements

4.—(1) The substitution made by Article 3 does not affect the continued operation of Article 35 of the 1995 Order (in its original form) in relation to an authorisation permitting the deduction of trade union subscriptions given before this Order comes into operation to an employer by a worker for the purposes of Article 35 of the 1995 Order.

Such an authorisation is referred to in this Article as “a preserved authorisation”.

(2) While a preserved authorisation is in force, the worker may be given (whether by the employer or by a person acting on his behalf) a notice in the form set out in the Schedule that the employer proposes to treat the preserved authorisation as an authorisation given under Article 35 of the 1995 Order as substituted by Article 3 (and so treat it as being of unlimited duration until withdrawn and as not requiring advance notice of any increase in the amount to be deducted).

(3) If no written notice to the contrary is received by the employer from the worker within the period of 14 days beginning with the day on which the worker received the notice mentioned in paragraph (2), the preserved authorisation shall be treated as if it were an authorisation given under Article 35 of the 1995 Order as substituted by Article 3.

(4) Expressions used in this Article and in Article 35 of the 1995 Order as substituted by Article 3 have the same meanings in this Article as they have in that Article.

Repeal

5. In Schedule 1 to the Employment Rights (Northern Ireland) Order 1996, the entry relating to Article 35(11) of the Trade Union and Labour Relations (Northern Ireland) Order 1995 is hereby repealed.

A.K. Galloway
Clerk of the Privy Council