

1977 No. 177

INDUSTRIAL RELATIONS**Labour Relations Agency (Additional Functions) Order
(Northern Ireland) 1977***Made* 24th June 1977*Coming into operation* 1st August 1977*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act, 1974*

The Department of Manpower Services, after consultation with such organisations representative of employers and of employees as appear to it to be appropriate, in exercise of the powers conferred by Article 16 of the Industrial Relations (Northern Ireland) Order 1976(a) and paragraph 2(1) and (2) of Schedule 1 to the Northern Ireland Act 1974(b) and of every other power enabling it in that behalf, hereby makes the following order:

Citation and commencement

1. This Order may be cited as the Labour Relations Agency (Additional Functions) Order (Northern Ireland) 1977 and shall come into operation on 1st August 1977.

Interpretation

2. In this Order—

“the Agency” means the Labour Relations Agency;

“the Department” means the Department of Manpower Services;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954(c).

Transfer of certain industrial relations functions to Agency

3. The Agency shall perform those functions which heretofore were performed by the Department under the following statutory provisions, namely—

(a) Articles 64 and 77(4)(a) of the Sex Discrimination (Northern Ireland) Order 1976(d);

(b) Articles 59(3), 62(2), (3), (5), (6) and (7), 66(1) and (2), 68(5)(c) and 78(2)(e) of the Industrial Relations (Northern Ireland) Order 1976; and

(c) Articles 52, 53(1) and (2), 54(1), 56(3), (4), (6) and (7) and 59(2)(c) of, and paragraphs 1, 6, 7, 10, 15 and 17 of Schedule 3 to, the Industrial Relations (No. 2) (Northern Ireland) Order 1976(e).

Cesser of certain industrial relations functions of Department

4. The Department shall cease to exercise the functions conferred on it by the Conciliation Act 1896(f) and by section 2 of the Industrial Courts Act 1919(g).

(a) S.I. 1976/1043 (N.I. 16)

(b) 1974 c. 28

(c) 1954 c. 33 (N.I.)

(d) S.I. 1976/1042 (N.I. 15)

(e) S.I. 1976/2147 (N.I. 28)

(f) 1896 c. 30

(g) 1919 c. 69

Amendments and repeals

5. The statutory provisions mentioned in the Schedule shall have effect subject to the amendments and repeals specified therein (being amendments and repeals consequential on Articles 3 and 4 and amendments conferring extended or additional powers on the Agency, including powers in relation to the settlement and avoidance of disputes, the revocation or variation of recommendations for recognition and the publishing of recommendations, information and research findings).

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 24th June 1977.

(L.S.)

J. Finney

Secretary

SCHEDULE

Amendments and repeals

The Conciliation Act 1896 (c. 30)

1. The whole Act is hereby repealed.

The Industrial Courts Act 1919 (c. 69)

2. The following provisions are hereby repealed—
 - (a) in section 1 the words “in manner provided by this Act”;
 - (b) section 2;
 - (c) section 3(2);
 - (d) in section 3(3) the words from “or to any reference” to the end;
 - (e) in section 4(1) the words “whether or not the dispute is reported to him under Part I of this Act”;
 - (f) in section 9 the words “under this Act” and “before an arbitrator”.

The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)

3.—(1) In section 22(1) for the words “the Department” substitute the words “the Labour Relations Agency” and for the words “the Ministry” substitute the words “the Agency”.

(2) In section 22(2) for the words “the Department” substitute the words “the Agency”.

The Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

4. At the end of Article 33(9) (which was inserted by Part III of Schedule 5 to the Industrial Relations (Northern Ireland) Order 1976) add the words “which has not been revoked”.

The Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))

5. In Articles 64 and 77(4)(a) for the words “the Department of Manpower Services” and “the Department”, wherever they occur, substitute the words “the Labour Relations Agency” and “the Agency” respectively.

The Industrial Relations (Northern Ireland) Order 1976 (S.I. 1976/1043 (N.I. 16))

- 6.—(1) At the end of Article 6(1)(e) add the words “or to the Industrial Court”.
- (2) For Article 6(2) substitute the following paragraphs—

“(2) In exercising its functions under paragraph (1)(d), the Agency shall have regard to the desirability of encouraging the parties to a dispute to use any appropriate agreed procedures for negotiation or the settlement of disputes.

(2A) In exercising its functions under paragraph (1)(e), the Agency shall consider the likelihood of the dispute being settled by conciliation and, where there exist appropriate agreed procedures for negotiation or the settlement of disputes, shall not refer a matter for settlement to arbitration under that sub-paragraph unless those procedures have been used and have failed to result in a settlement or unless, in the opinion of the Agency, there is a special reason which justifies arbitration under that sub-paragraph as an alternative to those procedures.”

(3) In Article 6(3) for the words "the Department" substitute the words "the Agency" and the words "may refer the matter to the Agency which" are hereby repealed.

(4) In Article 7(1) the words "or of the Department" are hereby repealed and after sub-paragraph (b) insert the following sub-paragraph—

"(bb) express, either publicly or to the parties to the dispute, the view it has formed on the matter in dispute;"

(5) After Article 7(4) insert the following paragraph—

"(4A) At any time after the Agency has made a recommendation for recognition under paragraph (1)(d) but before a report of a failure to comply with that recommendation is made under Article 8(1), the Agency may, if it thinks fit, vary or revoke that recommendation and—

(a) where such a recommendation is varied, references in paragraphs (3), (4) and (5) and Article 8 to the recommendation of the Agency shall be construed as references to that recommendation as varied under this paragraph;

(b) where such a recommendation is revoked, no report of a failure to comply with that recommendation may be made to the Agency under Article 8(1)."

(6) In Article 8(4) for the words "the Department shall, if requested by that trade union" substitute the words "that trade union may".

(7) Articles 9(3) and 11(2) are hereby repealed.

(8) Renumber Article 13 as paragraph (1) of that Article and after that paragraph add the following paragraph—

"(2) The findings of any research under this Article together with any advice given by the Agency in connection with those findings, may be published by the Agency if—

(a) it appears to the Agency that publication is desirable for the improvement of industrial relations, either generally or in relation to the specific question into which research was made; and,

(b) after sending a draft of the findings to, and taking into account the views of, all the parties appearing to the Agency to be concerned, the Agency thinks fit."

(9) In Article 14(1) after the words "industrial relations" insert the words "or employment policies (in so far as they relate to or are connected with industrial relations)".

(10) At the end of Article 14(2) add the words "or employment policies (in so far as they relate to or are connected with industrial relations)."

(11) At the end of Article 14 add the following paragraph—

"(3) The Agency may publish—

(a) general advice on any matter pertaining to the conduct of industrial relations or employment policies (in so far as they relate to or are connected with industrial relations); and

(b) general information relating to industrial relations or to employment policies (in so far as they relate to or are connected with industrial relations)."

(12) At the end of Article 56(1) add the words "which has not been revoked."

(13) In Articles 59(3), 62(2), (3), (5), (6) and (7), 66(1) and (2), 68(5)(c) and Article 78(2)(e) for the words "the Department" wherever they occur substitute the words "the Agency".

(14) Article 66(3) and (4) are hereby repealed.

The Industrial Relations (No. 2) (Northern Ireland) Order 1976
(S.I. 1976/2147 (N.I. 28))

7.—(1) At the end of Article 42(a) and 50(2)(b) add the words “which has not been revoked.”.

(2) In Articles 52(1), (2) and (3), 53(1) and (2), 54(1), 56(3), (4), (6) and (7) and 59(2)(c) and in paragraphs 1, 6, 7, 10, 15 and 17 of Schedule 3 for the words “the Department”, wherever they occur, substitute the words “the Agency”.

(3) In Article 54(5)(b) after the words “the No. 1 Order” insert the words “and not revoked by it”.

The Industrial Tribunals (Industrial Relations) Regulations
(Northern Ireland) 1976 (S.R. 1976/262)

8. In the Schedule in rule 2(1) and (3) for the words “the Department” substitute the words “the Labour Relations Agency”.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order transfers to the Labour Relations Agency from the Department of Manpower Services the statutory functions in relation to industrial relations which are listed in Article 3 and abolishes the functions of the Department of Manpower Services under the provisions mentioned in Article 4. The Order also extends existing powers of the Agency in relation to the settlement and avoidance of disputes, confers power on the Agency to amend or revoke recommendations for recognition of trade unions and to publish recommendations, information and research findings, and modifies existing legislation to facilitate the exercise by the Agency of its additional functions.