

## 1977 No. 20 (C. 3)

**INDUSTRIAL RELATIONS****Industrial Relations (1976 No. 2 Order) (Commencement No. 1)  
Order (Northern Ireland) 1977**

*Made* . . . . . 31st January 1977

*Coming into operation* . . . . . 31st January 1977

The Department of Manpower Services, in exercise of the powers conferred on it by Article 1 of the Industrial Relations (No. 2) (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*

1. This Order may be cited as the Industrial Relations (1976 No. 2 Order) (Commencement No. 1) Order (Northern Ireland) 1977.

*Commencement*

2. The provisions of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 specified in the Schedules shall come into operation—

- (a) in the case of the provisions mentioned in Schedule 1, on 6th April 1977;
- (b) in the case of the provisions mentioned in Schedule 2, on 1st May 1977; and
- (c) in the case of the provisions mentioned in Schedule 3, on 6th April 1978.

*Transitional provisions*

3. The coming into operation by virtue of Article 2(a) and Schedule 1 on the 6th April 1977 of the provisions relating to maternity pay shall have effect only where the first of the six weeks of absence referred to in Article 16(2) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 begins on or after that date.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 31st January 1977.

(L.S.)

*J. Finney*

Secretary

## SCHEDULE 1

Article 2(a)

## Provisions coming into operation on 6th April 1977

| <i>Provisions of the Order</i> | <i>Subject matter</i>   |
|--------------------------------|---|
| Article 1                      | Title and commencement.   |
| Article 2                      | Interpretation.   |
| Article 5(5)                   | Power to vary limits referred to in Article 5.                    |
| Article 8                      | Exemption orders.   |
| Article 9                      | Right to remuneration on suspension on medical grounds.           |
| Article 10                     | General exclusions from right under Article 9.                    |
| Article 11                     | Calculation of remuneration.                                      |
| Article 12                     | Complaint to industrial tribunal.                                 |
| Article 13                     | Dismissal of replacement.   |
| Article 14                     | Dismissal on grounds of pregnancy.                                |
| Article 15                     | Rights of employee in connection with pregnancy and confinement.  |
| Article 16                     | Maternity pay.  |
| Article 17                     | Calculation of maternity pay.                                     |
| Article 18                     | Complaint to industrial tribunal of failure to pay maternity pay. |
| Article 19                     | The Northern Ireland Maternity Pay Fund.                          |
| Article 20                     | Financing of Maternity Pay Fund.                                  |
| Article 21                     | Advances out of Consolidated Fund.                                |
| Article 22                     | Maternity pay rebate.   |
| Article 23                     | Payments to employees out of Maternity Pay Fund.                  |
| Article 24                     | Unreasonable default by employer.                                 |
| Article 25                     | Supplementary provisions in relation to employer's insolvency.    |
| Article 26                     | Complaint and appeals to industrial tribunal.                     |

## SCHEDULE 1—(continued)

| <i>Provisions of the Order</i>   | <i>Subject matter</i>   |
|--|---|
| Article 27   | Provisions as to information.   |
| Article 28   | Right to return to work.  |
| Article 29   | Exercise of right to return.  |
| Article 30   | Failure to permit to return treated as dismissal.   |
| Article 31   | Dismissal of replacement.   |
| Article 32   | Interpretation of Articles 15 to 31.  |
| Article 33   | Trade union membership and activities.  |
| Article 34   | Complaint to industrial tribunal.   |
| Article 35   | Supplementary.  |
| Article 36   | Assessment of compensation on complaint under Article 34.   |
| Article 41   | Time off to look for work or make arrangements for training.  |
| Article 42, so far as it relates to the purposes of Article 41.                                  | Supplementary provisions.   |
| Article 43(1) and (2)(b), (c), so far as it relates to any payment under Article 41(3), and (d). | Priority of certain debts on insolvency.  |
| Article 48   | Extension of terms and conditions.  |
| Article 49   | Excluded classes of employment.   |
| Article 55   | Codes of Practice.  |
| Article 56   | General provisions as to industrial tribunals and conciliation.   |
| Article 57   | Power to confer jurisdiction on industrial tribunals in respect of damages, etc., for breach of contract of employment. |
| Article 58   | Application of certain supplementary provisions of No. 1 Order.   |
| Article 59   | Restrictions on contracting out.  |
| Article 60   | Arrangements with Great Britain.  |
| Article 61   | Parity Order.   |

## SCHEDULE 1—(continued)

| <i>Provisions of the Order</i>  | <i>Subject matter</i>                                |
|---|--|
| Article 62  | Application to Crown.                                |
| Article 63  | Regulations and Orders.                              |
| Article 64  | Financial provisions.                                |
| Article 65(1)   | Amendments.  |
| Article 65(2)   | Transitional provisions.                             |
| Article 65(3), so far as it relates to the Employers and Workmen Act 1875(c), the Merchant Seamen (Payment of Wages and Rating) Act 1880(d), the Truck Act (Northern Ireland) 1940(e), the Terms and Conditions of Employment Act (Northern Ireland) 1963(f), the Judgments (Enforcement) Act (Northern Ireland) 1969(g) and the Industrial Relations (Northern Ireland) Order 1976(h). | Repeals.   |
| • Schedule 1  | Provisions leading to suspension on medical grounds. |
| Schedule 2  | Supplementary provisions as to maternity.            |
| Schedule 3  | Extension of terms and conditions.                   |
| Schedule 4  | Amendments.  |
| Schedule 5  | Transitional provisions.                             |
| Schedule 6, to the extent mentioned above in relation to Article 65(3).   | Repeals.   |

(c) 1875 c. 90

(d) 1880 c. 16 (43 &amp; 44 Vict)

(e) 1940 c. 21 (N.I.)

(f) 1963 c. 2 (N.I.)

(g) 1969 c. 30 (N.I.)

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

## SCHEDULE 2

Article 2(b)

Provisions coming into operation on 1st May 1977

| <i>Provisions of the Order</i>                       | <i>Subject matter</i>                                     |
|--|---|
| Article 3  | Right to guarantee payment.                               |
| Article 4  | Calculation of guarantee payment.                         |
| Article 5, so far as it is not already in operation. | Limits on amount of and entitlement to guarantee payment. |
| Article 6  | Supplementary.  |
| Article 7  | Complaint to industrial tribunal.                         |
| Article 43(2)(a)                                     | Priority of certain debts on insolvency.                  |

## SCHEDULE 3

Article 2(c)

## Provisions coming into operation on 6th April 1978

| <i>Provisions of the Order</i>  | <i>Subject matter</i>                   |
|---|---|
| Article 44  | Right to itemised pay statement.        |
| Article 45  | Standing statement of fixed deductions. |
| Article 46  | Supplementary.                          |
| Article 47  | Reference to industrial tribunal.       |
| Article 65(3), so far as it is not already in operation, that is so far as it relates to the Payment of Wages Act (Northern Ireland) 1970(i). | Repeals.                                |
| Schedule 6, to the extent mentioned above in relation to Article 65(3).   | Repeals.                                |

## EXPLANATORY NOTE

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

This Order brings into operation on 6th April 1977 the provisions of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 specified in Schedule 1. These provisions include those relating to:—

- (a) suspension from work on medical grounds;
- (b) maternity;
- (c) trade union membership and activities;
- (d) time off to look for work or make arrangements for training;
- (e) extension of terms and conditions of employment;
- (f) codes of practice; and
- (g) amendment of the Industrial Relations (Northern Ireland) Order 1976 to remove the exclusion of small firms from the unfair dismissal provisions of that Order.

The Order brings into operation on 1st May 1977 the provisions of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 specified in Schedule 2 which relate to guarantee payments.

The Order also brings into operation on 6th April 1978 the provisions of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 specified in Schedule 3 which relate to itemised pay statements.

(i) 1970 c. 12 (N.I.)