

1987 No. 308(C. 12)

INDUSTRIAL RELATIONS

Industrial Relations (1987 Order) (Commencement) Order
(Northern Ireland) 1987

Made

24th July 1987

The Department of Economic Development(a) in exercise of the powers conferred on it by Article 1(2) of the Industrial Relations (Northern Ireland) Order 1987(b), paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(c) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Industrial Relations (1987 Order) (Commencement) Order (Northern Ireland) 1987.

(2) In this Order—

“the Act of 1965” means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(d);

“the No. 1 Order” means the Industrial Relations (Northern Ireland) Order 1976(e);

“the No. 2 Order” means the Industrial Relations (No. 2) (Northern Ireland) Order 1976(f);

“the Order of 1982” means the Industrial Relations (Northern Ireland) Order 1982(g);

“the Order of 1987” means the Industrial Relations (Northern Ireland) Order 1987;

“effective date of termination” has the same meaning as in Article 21(4) of the No. 1 Order but in a case in which in accordance with Article 21(5) of that Order a later date is to be treated as the effective date of termination for certain purposes, means that later date.

Commencement

2. The provisions of the Order of 1987 shall come into operation as follows—

(a) Formerly the Department of Manpower Services: see S.I. 1982/846 (N.I. 11) Article 3

(b) S.I. 1987/936 (N.I. 9)

(c) 1974 c. 28

(d) 1965 c. 19 (N.I.)

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

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

(g) S.I. 1982/528 (N.I. 8)

- (a) on 3rd August 1987, those parts of Articles 6 and 7 as far as they provide a power to increase the limits specified in Articles 34 and 37A as inserted into the No. 1 Order by the Order of 1987;
- (b) on 6th September 1987, the remaining provisions.

Transitional and supplementary provisions

3. The transitional and supplementary provisions specified in the second column of the Schedule shall have effect as respects the Articles of the Order of 1987 set opposite them in the first column of the Schedule.

Sealed with the Official Seal of the Department of Economic Development on 24th July 1987.

(L.S.)

R. Wilson

Assistant Secretary

SCHEDULE

Transitional and Supplementary Provisions

<i>Provisions of the Order of 1987</i>	<i>Transitional and supplementary provisions</i>
Article 3	Article 3 shall not apply to any directors' report relating to a financial year beginning before 6th September 1987.
Article 5	<p>Until 5th September 1989, Article 22A of the No. 1 Order shall have effect as if Article 22A(3)(c) applied only to a union membership agreement taking effect in relation to the employees in question after 3rd May 1982.</p> <p>As far as it relates to Article 23 of the No. 1 Order the provisions shall not apply to a dismissal which takes place during a lock-out, strike or other industrial action if the lock-out or strike or other industrial action begins before 6th September 1987.</p>
<p>Articles 5, 6, 7, 8, 9 and 12, paragraphs 4(2), 4(3), 4(5), 4(7), 5(7)(c), 5(7)(d) of Schedule 3 and Article 25(2) as far as it relates to Articles 32(3)(a), 34(1)(b), 35(6), 35(6B), 38B and 38C of the No. 1 Order and Articles 8, 9, 12 and 17 of and in Schedule 2 to the Order of 1982 the amendments to Articles 22(8) and 32(3)(a) of the No. 1 Order</p>	<p>These provisions shall not apply in any case where the effective date of termination falls before 6th September 1987.</p>
<p>Article 10, paragraph 4(8) of Schedule 3 and Article 25(2) as far as it relates to Article 39(10) of the No. 1 Order</p>	<p>These provisions shall not apply to any complaint presented to an industrial tribunal before 6th September 1987.</p>
Article 11	<p>As far as it relates to Article 33(5)(b) of the No. 2 Order the provisions shall not apply in any case where the action short of dismissal is taken before the 6th September 1987.</p> <p>Until 5th September 1989, Article 33 of the No. 2 Order shall have effect as if Article 33(6) applied only to a union membership agreement taking effect in relation to the employees in question after 3rd May 1982.</p>
<p>Article 17 and Article 25(2) as far as it relates to the repeal of the Trade Disputes Act 1906</p>	<p>These provisions shall not apply to an act done before 6th September 1987 unless it is continued after 5th September 1987.</p>

<i>Provisions of the Order of 1987</i>	<i>Transitional and supplementary provisions</i>
Paragraphs 4(1), 4(6) and 4(17) of Schedule 3	These provisions shall not apply in any case where the employer or employee gave notice of termination or terminated the contract of employment before 6th September 1987.
Paragraphs 4(10) and 4(11) of Schedule 3	These provisions shall not apply in any case where the "relevant date", as defined in Article 42(2) of the No. 1 Order as amended by paragraph 4(9) of Schedule 3 to the Order of 1987, falls before 6th September 1987.
Paragraph 3(1) of Schedule 3 and Article 25(2) as far as it relates to the repeal of section 6(3) of the Act of 1965	The repeal of section 6(3) of the Act of 1965 shall not operate to confer a right on an employee under section 4 of that Act where the employment begins, or, as the case may be, the change in terms of employment occurs, before 6th September 1987.
Paragraph 3(1) of Schedule 3 and Article 25(2) as far as it relates to the repeal of section 26(2) of the Act of 1965	The repeal of section 26(2) of the Act of 1965 shall not operate to confer any right on an employee under Part II of that Act where the "relevant date" as defined in sections 13(9) and 16(2) of that Act, falls before 6th September 1987 except in a case where a date falling after 5th September 1987 would fall to be treated as the relevant date for certain purposes if section 13(10) of that Act were applied.
Paragraph 4(15) of Schedule 3 and Article 25(2) as far as it relates to the repeal of Article 76(4) of the No. 1 Order	The repeal of Article 76(4) of the No. 1 Order shall not operate to confer any right on an employee under Articles 20 or 48 of the No. 1 Order where the effective date of termination falls before 6th September 1987.
Paragraph 5(4) of Schedule 3 and Article 25(2) as far as it relates to the repeal of Article 49(2)(a) of the No. 2 Order	<p>The repeal of Article 49(2)(a) of the No. 2 Order shall not operate to confer a right—</p> <ul style="list-style-type: none"> (a) under Article 3 of the No. 2 Order on an employee in respect of any "workless day", as defined in that Article which falls before the 6th September 1987; (b) under Article 9 of the No. 2 Order on an employee whose suspension from work on medical grounds begins before the 6th September 1987;

<i>Provisions of the Order of 1987</i>	<i>Transitional and supplementary provisions</i>
	<p>(c) under Article 15 of the No. 2 Order on an employee whose absence from work wholly or partly because of pregnancy or confinement begins before the 6th September 1987;</p> <p>(d) under Article 33 of the No. 2 Order on an employee where the action short of dismissal is taken before the 6th September 1987.</p>

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation all the provisions of the Industrial Relations (Northern Ireland) Order 1987.

All the provisions brought into operation by the Order come into effect on 6th September 1987 except those parts of Articles 6 and 7, giving powers to the Department of Economic Development to make an order revising the limits specified in those Articles in relation to the Basic Award and the new Special Award, which come into operation on the 3rd August 1987.

The Order contains transitional and supplementary provisions, one of which has the effect that until 5th September 1989 the dismissal of an employee covered by a union membership agreement which took effect in relation to employees of his class before 4th May 1982 will not be unfair by reason only that no ballot approving the agreement has been held during the period of five years ending with his dismissal.