

1995 No. 342

INDUSTRIAL RELATIONS

**Employment Protection (Increase of Limits) Order
(Northern Ireland) 1995**

Made 31st August 1995

Coming into operation 27th September 1995

The Department of Economic Development, in exercise of the powers conferred on it by paragraph 5(5)(a) of Schedule 3 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b), Articles 34(7)(c), 35(5)(d), 37(2), 37A(7)(e), 70 and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(f), and Articles 5(5) and 63(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(g) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Employment Protection (Increase of Limits) Order (Northern Ireland) 1995 and shall come into operation on 27th September 1995.

Interpretation and increase of limits

2.—(1) In this Order—

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

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

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

“effective date of termination” has the same meaning as in Article 21(4) of the No. 1 Order except in a case in which Article 21(5) or (6)(h) of that Order would have effect so as to treat a later date as the effective date of termination in which case that later date shall be the effective date of termination for the purpose of this Order.

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- (a) Inserted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5, Part II, paragraph 39
 (b) 1965 c. 19 (N.I.)
 (c) Article 34 was substituted by S.I. 1993/2668 (N.I. 11) Article 6(3) and Schedule 3, Part III
 (d) As amended by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4
 (e) Article 37A was inserted by S.I. 1987/936 (N.I. 9) Article 7(3) and amended by S.I. 1993/2668 (N.I. 11) Article 18(2) and Schedule 6
 (f) S.I. 1976/1043 (N.I. 16)
 (g) S.I. 1976/2147 (N.I. 28)
 (h) As substituted by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4

(2) Subject to Article 3, each limit specified in column 2 of the table in the Schedule is increased by the substitution of the new figure opposite thereto in column 3 for the old figure specified opposite thereto in column 4.

Supplementary and transitional provisions

3.—(1) The new figure specified in column 3 of the table in the Schedule opposite item 1 shall have effect—

(a) as respects a lay-off or a keeping on short-time where the relevant date (as defined in section 16(2) of the Act of 1965) falls on or after 27th September 1995; and

(b) as respects a dismissal where the relevant date (as defined in section 13(9)(a) (as modified by section 14) or, where applicable, section 13(10)(a) of the Act of 1965) falls on or after 27th September 1995.

(2) The new figure specified in column 3 of the table in the Schedule opposite item 2 shall have effect as respects an employer's failure to comply with an order for reinstatement or re-engagement where the date (specified under Article 31(3)(c) or, as the case may be, Article 31(5)(f) of the No. 1 Order) by which the order must be complied with falls on or after 27th September 1995.

(3) The new figure specified in column 3 of the table in the Schedule opposite item 3 shall have effect where the effective date of termination falls on or after 27th September 1995.

(4) The new figures respectively specified in column 3 of the table in the Schedule opposite items 2 and 3 shall likewise have effect where, in the case of a complaint presented under Article 29 of the Industrial Relations (Northern Ireland) Order 1992(b) (right not to be unreasonably excluded or expelled from trade union membership), the date of the refusal of the application for, or the expulsion from, membership of a trade union, as the case may be, falls on or after 27th September 1995.

(5) The new figure specified in column 3 of the table in the Schedule opposite item 4 shall have effect where the relevant date (as defined in Article 42(2)(c) of the No. 1 Order) falls on or after 27th September 1995.

(6) The new figure specified in column 3 of the table in the Schedule opposite item 5 shall have effect as respects any day in respect of which an employee becomes entitled to a guarantee payment on or after 27th September 1995.

(7) Except as provided by paragraphs (1) to (6) the limits having effect under the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1992(d) shall continue to apply as if this Order had not been made.

(8) The new figures respectively specified in column 3 of the table in the Schedule opposite items 6 to 10 shall have effect in relation to any case where the effective date of termination falls on or after 27th September 1995.

(a) Section 13 was substituted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5, Part II, paragraph 15

(b) S.I. 1992/807 (N.I. 5)

(c) As substituted by S.I. 1989/2405 (N.I. 19) Article 380(3)

(d) S.R. 1992 No. 75

(9) Notwithstanding the revocation of the Unfair Dismissal (Increase of Compensation Limit) Order (Northern Ireland) Order 1993(a), the limit set or, as the case may be, preserved by Articles 3 and 5 of that Order shall continue to have effect as if this Order had not been made in any case where the effective date of termination falls before 27th September 1995.

(10) Notwithstanding the revocation of the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) Order 1992(b), the limit set or, as the case may be, preserved by Articles 3 and 5 of that Order shall continue to have effect as if this Order had not been made in any case where the effective date of termination falls before 27th September 1995.

Revocations

4.—(1) Subject to Article 3(7), the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1992(c) is hereby revoked.

(2) Subject to Article 3(10), the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) 1992(d) is hereby revoked.

(3) Subject to Article 3(9), the Unfair Dismissal (Increase of Compensation Limit) Order (Northern Ireland) 1993(e) is hereby revoked.

Sealed with the Official Seal of the Department of Economic
Development on 31st August 1995.

(L.S.)

D. Gibson

Under Secretary

(a) S.R. 1993 No. 254
(b) S.R. 1992 No. 76
(c) S.R. 1992 No. 75
(d) S.R. 1992 No. 76
(e) S.R. 1993 No. 254

Table relating to increase of limits

Column 1 <i>Provision</i>	Column 2 <i>Nature of Limit</i>	Column 3 <i>New Figure</i>	Column 4 <i>Old Figure</i>
1. Paragraph 5(4) of Schedule 3 to the Act of 1965(a)	Limit on amount of "a week's pay" for the purpose of calculating redundancy payment.	£210-00	£205-00
2. Article 32(8) of the No. 1 Order	Limit on amount of "a week's pay" for the purpose of calculating additional award of compensation where employer fails to comply with order for reinstatement or re-engagement under Article 31 of the No. 1 Order.	£210-00	£205-00
3. Article 35(4) of the No. 1 Order	Limit on amount of "a week's pay" for the purpose of calculating basic award of compensation for unfair dismissal under Articles 34 and 35(b) of the No. 1 Order.	£210-00	£205-00
4. Article 42(5) of the No. 1 Order	Limit on amount payable to an employee in respect of any debt mentioned in Article 42(3)(c) of the No. 1 Order where that debt is referable to a period of time.	£210-00	£205-00
5. Article 5(1) of the No. 2 Order	Limit on amount of a guarantee payment payable to an employee in respect of any day.	£14-50	£14-10
6. Article 34(6) of the No. 1 Order	Minimum amount of basic award of compensation payable for unfair dismissal under Article 34 of the No. 1 Order.	£2,770	£2,700
7. Article 37(1)(d) of the No. 1 Order	Limit on the amount of compensation which can be awarded by an industrial tribunal in claims for unfair dismissal or as the compensatory award calculated in accordance with Article 36 of the No. 1 Order or as compensation under Article 32(1) of that Order for	£11,300	£11,000

(a) The limits referred to in paragraph 5(4) of Schedule 3 to the Act of 1965, Articles 32(8), 35(4) and 42(5) of the No. 1 Order and Article 5(1) of the No. 2 Order were last increased by S.R. 1992 No. 75

(b) Relevant amendments to Articles 34 and 35 were made by S.I. 1982/528 (N.I. 8) Article 11 and S.I. 1987/936 (N.I. 9) Articles 6, 23 and 25 and Schedule 2, Schedule 3, paragraph 4 and Schedule 4

(c) Amended by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4

(d) The sum referred to in Article 37(1) of the No. 1 Order was last increased by S.R. 1993 No. 254

Column 1 <i>Provision</i>	Column 2 <i>Nature of Limit</i>	Column 3 <i>New Figure</i>	Column 4 <i>Old Figure</i>
	failure to comply fully with the terms of an order for reinstatement or re-engagement under Article 31 of that Order.		
8. Article 37A(1) of the No. 1 Order(a)	Minimum amount of special award of compensation payable for unfair dismissal under Article 37A(1) of the No. 1 Order.	£13,775	£13,400
9. Article 37A(1) of the No. 1 Order	Maximum amount of special award of compensation payable for unfair dismissal under Article 37A(1) of the No. 1 Order.	£27,500	£26,800
10. Article 37A(2) of the No. 1 Order	Minimum amount of special award of compensation payable for unfair dismissal under Article 37A(2) of the No. 1 Order.	£20,600	£20,100

(a) The sums referred to in Article 37A(1) and (2) were last increased by S.R. 1992 No. 76

(This note is not part of the Order.)

This Order, which comes into operation on 27th September 1995, increases certain of the limits under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 ("the Act of 1965"), the Industrial Relations (Northern Ireland) Order 1976 ("the No. 1 Order") and the Industrial Relations (No. 2) (Northern Ireland) Order 1976 ("the No. 2 Order"). The limits on the amount of "a week's pay" for the purposes of calculating a redundancy payment under the Act of 1965 and basic and additional awards of compensation for unfair dismissal under the No. 1 Order are increased from £205.00 to £210.00. The limit on the amount for the purpose of calculating the sum payable by the Department of Economic Development under Article 42 of the No. 1 Order in respect of a debt due to an employee whose employer becomes insolvent is likewise increased from £205.00 to £210.00. The limit on the amount of a guarantee payment under Article 5(1) of the No. 2 Order in respect of any day is increased from £14.10 to £14.50. (Article 2 and items 1 to 5 of the Schedule.)

The minimum basic award (before appropriate reductions) is increased from £2,700 to £2,770 and the limits of £13,400, £26,800 and £20,100 applicable to the calculation of the special award are increased to £13,775, £27,500 and £20,600 respectively. These awards are relevant to dismissals relating to trade union membership which are to be regarded as unfair by virtue of Articles 22A or 22C(a) of the Industrial Relations (Northern Ireland) Order 1976 and to dismissals on health and safety grounds which are to be regarded as unfair by virtue of Article 22B of that Order.

The limit on the amount of compensation which can be awarded by an industrial tribunal in claims for unfair dismissal as the compensatory award under Article 33 of the Industrial Relations (Northern Ireland) Order 1976 or as compensation for failure to comply fully with the terms of an order for reinstatement or re-engagement under Article 32(1) of that Order is increased from £11,000 to £11,300.

The Order contains transitional provisions whereby the increased limits only apply where the relevant date as defined in the appropriate legislation or, as the case may be, the effective date of termination etc., falls on or after 27th September 1995. (Article 3.)

The Order also revokes the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1992, the Unfair Dismissal (Increase of Compensation Limit) Order 1993 and the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) 1992. (Article 4.)