
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 138

EMPLOYMENT

The Code of Practice (Time Off for Trade Union Duties and Activities) (Appointed Day) Order (Northern Ireland) 2012

Made - - - - *21st March 2012*

Whereas—

(1) under Article 90(9) of the Industrial Relations (Northern Ireland) Order 1992⁽¹⁾ (“the 1992 Order”) the Agency may from time to time revise the whole or any part of a Code of Practice issued by it;

(2) in pursuance of Article 90(9) of the 1992 Order the Agency proposed to revise the whole of the Code of Practice on Time Off for Trade Union Duties and Activities which came into effect on 20th May 2004;

(3) in pursuance of Article 90(3) of the 1992 Order the Agency prepared and published in draft a revised Code of Practice on Time Off for Trade Union Duties and Activities (“the draft Code”) and considered any representations made to it about the draft Code, and modified it accordingly;

(4) in pursuance of Article 90(4) of the 1992 Order the Agency transmitted the draft Code to the Department for Employment and Learning⁽²⁾;

(5) in pursuance of Article 90(4)(a) of the 1992 Order the Department for Employment and Learning approved the draft Code and laid it before the Assembly;

(6) in pursuance of article 90(5) of the 1992 Order, the draft Code has been approved by resolution of the Assembly and the Agency has issued the revised Code of Practice in the form of the draft;

The Department for Employment and Learning makes the following Order in exercise of the powers conferred by Article 90(5) of the 1992 Order, now vested in it⁽³⁾.

Citation

1. This Order may be cited as the Code of Practice (Time Off for Trade Union Duties and Activities) (Appointed Day) Order (Northern Ireland) 2012.

(1) S.I. 1992/807 (N.I. 5); Article 90 was amended by S.I. 1996/1919 (N.I. 16), S.I. 2003/2902 (N.I. 15) and S.I. 2005/3424 (N.I. 20)
(2) Formerly the Department for Higher Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(3) *See* S.R. 1999 No. 481

Appointed Day for the Code of Practice

2. The day appointed by the Department under Article 90(5) of the Industrial Relations (Northern Ireland) Order 1992 for the coming into effect of the Code of Practice on Time Off for Trade Union Duties and Activities issued by the Agency pursuant to that Article is 19th April 2012.

Revocation and saving

3.—(1) Subject to paragraph (2), the Code of Practice (Time Off for Trade Union Duties and Activities) (Appointed Day) Order (Northern Ireland) 2004(4) (“the 2004 Order”) is revoked.

(2) The Code of Practice brought into effect by Article 2 of the 2004 Order shall continue to have effect in relation to any act done before 19th April 2012 by or on behalf of or in relation to an employer or by or on behalf of or in relation to an employee.

Sealed with the Official Seal of the Department for Employment and Learning on 21st March 2012.



Dr Stephen Farry
Minister for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 19th April 2012 as the day upon which the Code of Practice on Time Off for Trade Union Duties and Activities, which is being issued by the Labour Relations Agency (LRA) under Article 90(5) of the Industrial Relations (Northern Ireland) Order 1992, will come into effect.

The Code of Practice replaces the previous Code of Practice on Time Off for Trade Union Duties and Activities which came into effect on 20th May 2004 by virtue of the Code of Practice (Time Off for Trade Union Duties and Activities) (Appointed Day) Order (Northern Ireland) 2004 (“the 2004 Order”). The revisions to the Code, which are introduced to reflect best practice, were carried out by the LRA under Article 90(9) of the Industrial Relations (Northern Ireland) Order 1992. The Code was laid before the Assembly in accordance with Article 90(4) of the Order and was approved by resolution of the Assembly on 6th March 2012.

Transitional arrangements provide that the Code shall have effect in relation to any act done by an employee or employer on or after 19th April 2012 and the LRA Code brought into effect by Article 2 of the 2004 Order shall continue to have effect in relation to any act done before that date. The 2004 Order is otherwise revoked.

An impact assessment has not been produced for this Rule as no impact on the private or voluntary sectors is foreseen.