

**2022 No. 261**

**INDUSTRIAL RELATIONS**

**The Industrial Court (Membership) (Amendment) Regulations  
(Northern Ireland) 2022**

*Made* - - - - *24th October 2022*

*Coming into operation* - *14th November 2022*

The Department for the Economy makes the following Regulations in exercise of the powers conferred by Articles 91A(1), 91A(2) and 107(3) of the Industrial Relations (Northern Ireland) Order 1992(a) and now vested in it(b).

**Citation and commencement**

1. These Regulations may be cited as the Industrial Court (Membership) (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 14th November 2022.

**Amendment of the Industrial Court (Membership) Regulations (Northern Ireland) 2011**

2.—(1) Regulation 3 of the Industrial Court (Membership) Regulations (Northern Ireland) 2011(c) (terms of appointment of members of the Industrial Court) is amended as follows—

(2) In paragraph (1)—

(a) after “shall” insert “otherwise”;

(b) omit “, subject to the following provisions”.

(3) Omit paragraphs (2) to (7).

**Transitional provision**

3.—(1) In this regulation—

“transitional period” means the period beginning on the day these Regulations come into operation and ending on the 31st March 2024;

“existing member” means a person holding office as a member of the Court on the date immediately before the coming into operation of these Regulations.

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- (a) S.I. 1992/807 (N.I. 5); the relevant amendments are Article 91A was substituted by Article 25 of the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)); Article 91A(1) and (2) was substituted by section 3 of the Employment Act (Northern Ireland) 2010 (c. 12 (N.I.)).
- (b) The functions of the Department of Economic Development under the Industrial Relations (Northern Ireland) Order 1992 were transferred to the Department of Higher and Further Education, Training and Employment by S.R. 1999 No. 481, Article 4(b) and Schedule 2, Part II. The Department of Higher and Further Education, Training and Employment was renamed the Department for Employment and Learning by 2001 c. 15 (N.I.), section 1(1), and following the dissolution of that department by the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)), section 1(10), its functions under the Industrial Relations (Northern Ireland) Order 1992 were transferred to the Department for the Economy by S.R. 2016 No. 76, Article 6(1)(c).
- (c) S.R. 2011 No. 237.

(2) The amendments in regulation 2 do not apply in respect of any existing member during the transitional period.

Sealed with the Official Seal of the Department for the Economy on 24th October 2022.



*Colin Jack*  
A senior officer of the  
Department for the Economy

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Industrial Court (Membership) Regulations (Northern Ireland) 2011 (the “Membership Regulations”).

Regulation 2 amends regulation 3 of the Membership Regulations by removing a number of the current legislative provisions in relation to members of the Industrial Court (the “Court”) holding and vacating office and replacing those provisions with a reliance on each member’s terms of appointment.

Regulation 3 contains a transitional provision for current members of the Court.

The Court is a non-departmental tribunal body whose main function is to adjudicate on applications relating to the statutory recognition or derecognition of trade unions for collective bargaining purposes, where this cannot be agreed voluntarily.

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

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