

SCHEDULES

SCHEDULE 2

EXTENSION OF LIMITATION PERIODS TO ALLOW FOR CONCILIATION

Trade Union and Labour Relations (Northern Ireland) Order 1995 (NI 12)

4. In Article 33 (complaint of infringement of right under Article 31), after paragraph (2) insert—

“(2A) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2) (a).”.

5. In Article 36 (complaint of infringement of rights under Article 35), after paragraph (1) insert—

“(1A) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (1) (a).”.

6.—(1) Article 39 (time limit for proceedings under Article 38) is amended as follows.

(2) The existing text becomes paragraph (1).

(3) After that paragraph insert—

“(2) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (1).”.

7. In Article 44C (Article 44B: complaint to industrial tribunal), after paragraph (2) insert—

“(2A) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2) (a).”.

8. In Article 61 (complaint in respect of employer’s failure under Article 60), after paragraph (2) insert—

“(2A) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2) (a).”.

9. After Article 147 (employment governed by foreign law) insert—

“Extension of certain time limits

147A Extension of time limits to facilitate conciliation before institution of proceedings

(1) This Article applies where this Order provides for it to apply for the purposes of a provision of this Order (a “relevant provision”).

(2) In this Article—

(a) Day A is the day on which the complainant concerned complies with the requirement in paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact Agency before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the complainant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article.

(3) In working out when a time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If a time limit set by a relevant provision would (if not extended by this paragraph) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) Where an industrial tribunal has power under this Order to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this Article.”.

10. In Schedule 1A (collective bargaining: recognition), in paragraph 157 (complaint to industrial tribunal: contravention of paragraph 156), after subparagraph (3) add—

“(4) Article 147A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subparagraph (1)(a).”.