



## 2016 CHAPTER 15

### *Miscellaneous*

#### **Indexation of amounts: timing and rounding**

**22.**—(1) Article 33 of the Employment Relations (Northern Ireland) Order 1999 (indexation of amounts, etc.) is amended as follows.

(2) In paragraph (2)—

- (a) omit the words “as soon as practicable”;
- (b) at the end add “ and the order shall come into operation on the following 6th April ”.

(3) In paragraph (3), for the words after “the Department shall” substitute “ round the result to the nearest whole pound, taking 50p as nearest to the next whole pound above ”.

(4) In paragraph (6), for “this Article” substitute “ paragraph (2) ”.

(5) After paragraph (6) add—

“(7) The Department may at any time make an order increasing or decreasing any sum to which this Article applies if a draft of the order has been laid before, and approved by resolution of, the Assembly.

(8) An order under paragraph (7) may exclude the application of paragraph (2) in relation to any sum increased or decreased by the order for such period as may be specified in the order.”.

#### **Commencement Information**

**II** S. 22 in operation at 30.3.2018 by S.R. 2018/79, art. 2(1)

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*Status: Point in time view as at 27/01/2020. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016, Cross Heading: Miscellaneous. (See end of Document for details)*

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## **Prohibition on disclosure of information held by the Labour Relations Agency**

**23** After Article 90A of the Industrial Relations (Northern Ireland) Order 1992 (fees for exercise of functions by the Labour Relations Agency) insert—

### **“Prohibition on disclosure of information**

**90B.**—(1) Information held by the Agency shall not be disclosed if the information—

- (a) relates to a worker, an employer of a worker or a trade union (a “relevant person”); and
- (b) is held by the Agency in connection with the provision of a service by the Agency or its officers.

This is subject to paragraph (2).

(2) Paragraph (1) does not prohibit the disclosure of information if—

- (a) the disclosure is made for the purpose of enabling or assisting the Agency to carry out any of its functions;
- (b) the disclosure is made for the purpose of enabling or assisting an officer of the Agency to carry out the functions of a conciliation officer under any statutory provision;
- (c) the disclosure is made for the purpose of enabling or assisting—
  - (i) a person appointed by the Agency under paragraph 9(1) of Schedule 4; or
  - (ii) an arbitrator appointed by the Agency under any statutory provision,  
to carry out functions specified in the appointment;
- (d) the disclosure is made for the purposes of a criminal investigation or criminal proceedings (whether or not within the United Kingdom);
- (e) the disclosure is made in order to comply with a court order;
- (f) the disclosure is made in a manner that ensures that no relevant person to whom the information relates can be identified; or
- (g) the disclosure is made with the consent of each relevant person to whom the information relates.

(3) Paragraph (2) does not authorise the making of a disclosure which contravenes the Data Protection Act 1998.

(4) A person who discloses information in contravention of this Article commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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(5) Proceedings for an offence under this Article may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(6) For the purposes of this Article information held by—

- (a) a person appointed by the Agency under paragraph 9(1) of Schedule 4 in connection with functions specified in the appointment; or
- (b) an arbitrator appointed by the Agency under any statutory provision in connection with functions specified in the appointment,

is information that is held by the Agency in connection with the provision of a service by the Agency.”.

#### Commencement Information

I2 S. 23 in operation at 27.1.2020 by S.R. 2020/1, art. 2(i)

VALID FROM 20/09/2021

#### Variation in procedures for certain orders and regulations

24.—(1) Article 251 of the Employment Rights (Northern Ireland) Order 1996 (orders and regulations) is amended as follows.

(2) In paragraph (1), for “paragraph (1A)” substitute “ paragraphs (1A), (1B) and (7) ”.

(3) After paragraph (1A) insert—

“(1B) Subject to paragraph (1C), regulations under Article 59A or 67FA shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(1C) Paragraph (1B) does not apply to regulations under Article 67FA that contain only the provision mentioned in Article 67FA(2), (3) or (4).”.

(4) At the end of paragraph (3)(b) add “ or an order under paragraph (1) (c) of that Article which falls within paragraph (5A) ”.

(5) In paragraph (5A) for “under Article 85ZS(6) or 107AB(4)” substitute “ to which this paragraph applies ”.

(6) After paragraph (5A) insert—

“(5B) Paragraph (5A) applies to—

- (a) an order under Article 67K(4), 85ZS(6) or 107AB(4);

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(b) an order under Article 250(1)(c) which varies or excludes the operation of Article 124(3) or 140(1).”.

(7) After paragraph (6) add—

“(7) Regulations to which this paragraph applies shall not be subject to negative resolution but shall be subject to the confirmatory procedure.

(8) Paragraph (7) applies to regulations under this Order which—

(a) but for that paragraph would be subject to negative resolution; and

(b) are contained in a statutory rule which includes regulations subject to the confirmatory procedure.

(9) In this Article “the confirmatory procedure” means the procedure described in paragraph (1A).”.

### **Statutory shared parental pay: correction of references**

**25.—**(1) Part 12ZC of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (statutory shared parental pay) is amended as follows.

(2) In—

(a) section 167ZV(2)(a), and

(b) section 167ZX(2)(a),

for “(2)(h) or, as the case may be, (4)(i)” substitute “ (2)(g) or, as the case may be, (4)(h) ”.

(3) In section 167ZZ(1)(a)—

(a) in sub-paragraph (i) for “(o)” substitute “ (n) ”;

(b) in sub-paragraph (ii) for “(p)” substitute “ (o) ”;

(c) in sub-paragraph (v) for “(o)” substitute “ (n) ”;

(d) in sub-paragraph (vi) for “(p)” substitute “ (o) ”.

### **Commencement Information**

**I3** S. 25 in operation at 27.1.2020 by S.R. 2020/1, art. 2(j)

### **References to tribunal jurisdictions to which Articles 17 and 27 of the Employment (Northern Ireland) Order 2003 apply**

**26.—**(1) In Schedule 2 to the Employment (Northern Ireland) Order 2003 (tribunal jurisdictions to which Article 17 of that Order applies)—

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- (a) omit the entry relating to regulation 45 of the European Public Limited-Liability Company Regulations (Northern Ireland) 2004; and
  - (b) after the entry relating to regulation 17 of the Cross-border Railways Services (Working Time) Regulations (Northern Ireland) 2008 insert — “ Regulation 32 of the European Public Limited-Liability Company (Employment Involvement) (Northern Ireland) Regulations 2009 ”.
- (2) Subsection (1) does not affect the power of the Department to make orders under Article 17(7) of the Employment (Northern Ireland) Order 2003.
- (3) In Schedule 4 to the Employment (Northern Ireland) Order 2003 (tribunal jurisdictions to which Article 27 of that Order applies)—
- (a) omit the entry relating to regulation 45 of the European Public Limited-Liability Company Regulations (Northern Ireland) 2004; and
  - (b) after the entry relating to regulation 17 of the Cross-border Railways Services (Working Time) Regulations (Northern Ireland) 2008 insert — “ Regulation 32 of the European Public Limited-Liability Company (Employment Involvement) (Northern Ireland) Regulations 2009 ”.
- (4) Subsection (3) does not affect the power of the Department to make orders under Article 27(8) of the Employment (Northern Ireland) Order 2003.

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**Commencement Information**

**14** S. 26 in operation at 27.1.2020 by S.R. 2020/1, art. 2(k)

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**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2016, Cross Heading: Miscellaneous.