

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Employment Act (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

PROSPECTIVE

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—

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“(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

Extension of time limits to facilitate conciliation before institution of proceedings

147A.—(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 sub-paragraph (3) add—

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

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 17 coming into force by [S.R. 2020/1 art. 2\(n\)](#)