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*Status: Point in time view as at 01/01/2006.*

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## STATUTORY INSTRUMENTS

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# 1993 No. 2668 (N.I. 11)

## The Industrial Relations (Northern Ireland) Order 1993

- - - - - 27th October 1993

### Introductory

#### Title and commencement

1. This Order may be cited as the Industrial Relations (Northern Ireland) Order 1993 and shall come into operation on such day or days as the Department of Economic Development may by order appoint<sup>F1</sup>.

**F1** partly exercised by SRs 1993/476, 1994/215

#### Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F2</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

*Para.(2) rep. with saving by 1996 NI 16*

**F2** 1954 c. 33 (N.I.)

*Arts. 3#10 rep. with saving by 1996 NI 16*

#### Right to declaration of invalidity of discriminatory terms and rules

11. In Article 77A of the Sex Discrimination (Northern Ireland) Order 1976<sup>F3</sup> (application of Article 77 to certain terms and rules), after paragraph (4) there shall be inserted—

“(4A) A person to whom this paragraph applies may present a complaint to an industrial tribunal that a term or rule is void by virtue of paragraph (1) of Article 77 if he has reason to believe—

- (a) that the term or rule may at some future time have effect in relation to him; and
- (b) where he alleges that it is void by virtue of sub-paragraph (c) of that paragraph, that—
  - (i) an act for the doing of which it provides may at some such time be done in relation to him; and
  - (ii) the act would be, or be deemed by virtue of paragraph (3) to be, rendered unlawful by this Order if done in relation to him in present circumstances.

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(4B) In the case of a complaint about—

- (a) a term of a collective agreement made by or on behalf of—
  - (i) an employer;
  - (ii) an organisation of employers of which an employer is a member; or
  - (iii) an association of such organisations of one of which an employer is a member; or
- (b) a rule made by an employer,

paragraph (4A) applies to any person who is, or is genuinely and actively seeking to become, one of his employees.

(4C) In the case of a complaint about a rule made by an organisation, authority or body to which paragraph (2) applies, paragraph (4A) applies to any person—

- (a) who is, or is genuinely and actively seeking to become, a member of the organisation, authority or body;
- (b) on whom the organisation, authority or body has conferred an authorisation or qualification; or
- (c) who is genuinely and actively seeking an authorisation or qualification which the organisation, authority or body has power to confer.

(4D) When an industrial tribunal finds that a complaint presented to it under paragraph (4A) is well-founded the tribunal shall make an order declaring that the term or rule is void.”

**F3** 1976 NI 15

*Arts. 12, 13 rep. with saving by 1996 NI 16*

*Arts 14, 15 rep. with saving by 1996 NI 18*

### **Agreements not to take proceedings before industrial tribunals**

*Paras.(1)#(3) rep. with saving by 1996 NI 16*

(4) Schedule 4 shall have effect for making corresponding amendments in the Sex Discrimination (Northern Ireland) Order 1976<sup>F4</sup>, <sup>F5</sup> ... and the Industrial Relations (Northern Ireland) Order 1992<sup>F6</sup>.

**F4** 1976 NI 15

**F5** rep. with savings by 1996 NI 16

**F6** 1992 NI 5

*Art. 17 rep. with saving by 1996 NI 18*

## Supplementary

### **Miscellaneous and consequential amendments, transitional and saving provisions and repeals**

*Para. (1)—Amendments*

*Paras. (2)#(4) rep. with saving by 1996 NI 16*

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*Schedules 1—3 rep. with saving by 1996 NI 16*

*Schedules 4, 5—Amendments*

*Schedules 6—8 rep. with saving by 1996 NI 16*

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