
STATUTORY INSTRUMENTS

1993 No. 2668

The Industrial Relations (Northern Ireland) Order 1993

Employment rights

Application of industrial relations legislation to the Crown

9.—(1) Subject to the following provisions of this Article—

- (a) the provisions of the No. 1 Order, except Articles 42 to 47 and Part IV;
- (b) the provisions of the No. 2 Order; and
- (c) the provisions of the 1992 Order, except Articles 42, 43 and 65(5),

shall have effect in relation to Crown employment and to persons in Crown employment as they have effect in relation to other employment and to other employees.

(2) In this Article “Crown employment” means employment under or for the purposes of a government department.

(3) This Article applies to service as a member of the naval, military or air forces of the Crown but only in accordance with Article 10 and it applies also to employment by any association established for the purposes of Part VI of the Reserve Forces Act 1980(1).

(4) The provisions listed in paragraph (5) shall not have effect in relation to any Crown employment in respect of which there is in force a certificate issued by or on behalf of the Secretary of State certifying that employment of a description specified in the certificate, or the employment of a particular person so specified, is (or, at a time specified in the certificate, was) required to be excepted from this Article for the purpose of safeguarding national security or protecting public safety or public order; and any document purporting to be a certificate so issued shall be received in evidence and shall, unless the contrary is proved, be deemed to be such a certificate.

(5) The provisions referred to in paragraph (4) are the following, namely—

- (a) in the No. 1 Order—
 - (i) Articles 20 to 41 (except so far as relating to a dismissal which is regarded as unfair by reason of Article 22B or 22C(1)(b), (c) or (d) of the No. 1 Order or Article 29 of the No. 2 Order);
 - (ii) Article 48 (except paragraph (2B));
 - (iii) Part V (so far as relating to any of those provisions);
- (b) in the No. 2 Order—
 - (i) Articles 3 to 13;
 - (ii) Articles 39 to 41;
 - (iii) Articles 44 to 46 and 47 (so far as relating to Articles 44 to 46);
 - (iv) Part IV (so far as relating to any of those provisions).

(6) For the purposes of the application of the provisions mentioned in paragraph (1) in relation to Crown employment in accordance with that paragraph—

- (a) any reference to an employee shall be construed as a reference to a person in Crown employment;
- (b) any reference to a contract of employment shall be construed as a reference to the terms of employment of a person in Crown employment;
- (c) any reference to dismissal shall be construed as a reference to the termination of Crown employment;
- (d) any reference to redundancy shall be construed as a reference to the existence of such circumstances as, in accordance with any arrangements for the time being in force as mentioned in section 48(3) of the Act of 1965, are treated as equivalent to redundancy in relation to Crown employment;
- (e) the reference in Article 59(7)(c) of the No. 1 Order and Article 40(1)(e) of the 1992 Order to a person's undertaking or any undertaking in which he works shall be construed as a reference to the national interest; and
- (f) any other reference to an undertaking shall be construed, in relation to a Minister of the Crown or Head of a department, as a reference to his functions or (as the context may require) to the department of which he is in charge and, in relation to a government department, shall be construed as a reference to the functions of the department or (as the context may require) to the department.

(7) Where the terms of employment of a person in Crown employment restrict his right to take part in—

- (a) certain political activities; or
- (b) activities which may conflict with his official functions,

nothing in Article 39 of the No. 2 Order shall require him to be allowed time off work for public duties connected with any such activities.

(8) In this Article—

“government department” means a Northern Ireland department or a department of the Government of the United Kingdom;

“the 1992 Order” means the Industrial Relations (Northern Ireland) Order 1992(2).

(9) This Article and Article 10 shall be construed as one with the No. 1 Order.