

SCHEDULES

SCHEDULE 5

Article 18(1).

MISCELLANEOUS AMENDMENTS

Restrictions on disclosure of information, etc. on grounds of national security

1. In Article 59 of the No. 1 Order after paragraph (4) insert—

“(4A) Without prejudice to paragraph (7), Article 30 of this Order or Article 35(3) of the No. 2 Order, the Secretary of State may on grounds of national security direct an industrial tribunal to sit in private when hearing or determining any proceedings specified in the direction.”.

2. After Article 78 of the No. 1 Order insert—

“National security

78A.—(1) Where in the opinion of the Secretary of State the disclosure of any information would be contrary to the interests of national security—

- (a) nothing in any of the provisions to which this Article applies shall require any person to disclose the information; and
- (b) no person shall disclose the information in any proceedings in any court or tribunal relating to any of those provisions.

- (2) This Article applies to—

- (a) Articles 20 to 41 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;
- (b) Article 48(2B);
- (c) Part V so far as relating to any of the provisions in sub-paragraphs (a) and (b).”.

3. After Article 59 of the No. 2 Order insert—

“National security

59A.—(1) Where in the opinion of the Secretary of State the disclosure of any information would be contrary to the interests of national security—

- (a) nothing in any of the provisions to which this Article applies shall require any person to disclose the information; and
- (b) no person shall disclose the information in any proceedings in any court or tribunal relating to any of those provisions.

- (2) This Article applies to—

- (a) Articles 13A to 13C;
- (b) Articles 14 to 32;
- (c) Article 41A;

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- (d) Articles 43 to 43E and Article 47 so far as relating to Articles 43 to 43E;
- (e) Part IV so far as relating to any of the provisions in sub-paragraphs (a) to (d).”.

4. In Article 30(2) of the No. 1 Order for “A certificate” substitute “Except where the complaint is that a dismissal is unfair by reason of Article 22B or 22C(1)(b), (c) or (d) of this Order or Article 29 of the No. 2 Order, a certificate”.

Power to provide for continuity of employment following reinstatement or re-engagement

5. In Article 68 of the No. 1 Order—

- (a) in paragraph (5)(a) for “complaint under Article 29” substitute “relevant complaint of dismissal”;
- (b) in paragraph (5)(c) for “Article 62(5)” substitute “its relevant conciliation powers; or”;
- (c) in paragraph (5) after sub-paragraph (c) add—
 - “(d) of the making of a relevant compromise contract.”; and
- (d) at the end add—

“(6) In paragraph (5)—

“relevant complaint of dismissal” means a complaint under Article 29 of this Order or a complaint under Article 63 of the Sex Discrimination (Northern Ireland) Order 1976 arising out of a dismissal;

“relevant conciliation powers” means Article 62(5) of this Order or Article 64(2) of the Sex Discrimination (Northern Ireland) Order 1976;

“relevant compromise contract” means an agreement or contract authorised by Article 78(2)(f) of this Order, Article 77(4)(aa) of the Sex Discrimination (Northern Ireland) Order 1976 or Article 59(2)(d) or (e) of the No. 2 Order.”.

Codes of practice on employment: use in proceedings

6. In Article 56A(9) of the Sex Discrimination (Northern Ireland) Order 1976(1) after “this Order” insert “or the Equal Pay Act”.

Assembly procedure: orders modifying application of redundancy provisions

7. In section 59 of the Act of 1965 in subsection (2) after “58A” insert “(other than an order to which subsection (2A) applies)” and after that subsection insert—

“(2A) An order under section 58A(a) which specifies only provisions in Part II, III or IV shall be subject to negative resolution.”.