

---

STATUTORY INSTRUMENTS

---

**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

PART XV

MISCELLANEOUS

CHAPTER I

PARTICULAR TYPES OF EMPLOYMENT

*Crown employment etc.*

**Armed forces**

**237.**—(1) Article 236—

- (a) applies to service as a member of the naval, military or air forces of the Crown but subject to the following provisions of this Article, and
- (b) applies to employment by an association established for the purposes of Part VI of the Reserve Forces Act 1980.

(2) The provisions of this Order which have effect by virtue of Article 236 in relation to service as a member of the naval, military or air forces of the Crown are—

- (a) Parts I and III,

[<sup>F1</sup>(aa) in Part VI, [<sup>F2</sup>Articles [<sup>F3</sup>67M] 68A, 70C and 70D] and Articles 71 and 72 so far as relating to [<sup>F4</sup>those Articles],]

*Sub#para. (ab) rep. by 2002 c. 21*

- (b) in Part VII, Articles [<sup>F5</sup> 83 to 85B],
- (c) Parts VIII and IX,
- (d) in Part X, Articles 124 and 125,
- (e) Part XI, apart from Articles [<sup>F6</sup> 130B(2)] 132 to 134 [<sup>F7</sup>, 135C] and 136, and
- (f) this Part and Part XVI.

(3) The Department may by order—

- (a) amend paragraph (2) by making additions to, or omissions from, the provisions for the time being specified in that paragraph, and
- (b) make any provision for the time being so specified apply to service as a member of the naval, military or air forces of the Crown subject to such exceptions and modifications as may be specified in the order,

but no provision contained in Part IV may be added to the provisions for the time being specified in paragraph (2).

**Status:** Point in time view as at 06/04/2016.

**Changes to legislation:** The Employment Rights (Northern Ireland) Order 1996, Section 237 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) Modifications made by an order under paragraph (3) may include provision precluding the making of a complaint or reference to any industrial tribunal unless the person aggrieved has availed himself of the [<sup>F8</sup>service complaint procedures] applicable to him.

(5) Where modifications made by an order under paragraph (3) include provision such as is mentioned in paragraph (4), the order shall also include provision designed to secure that the [<sup>F9</sup>service complaint procedures] result in a determination, or what is to be treated under the order as a determination, in sufficient time to enable a complaint or reference to be made to an industrial tribunal.

(6) In paragraphs (4) and (5) [<sup>F10</sup> “the service complaint procedures” means the procedures prescribed by regulations under section 334 of the Armed Forces Act 2006.]

(7) No provision shall be made by virtue of paragraph (4) which has the effect of substituting a period longer than six months for any period specified as the normal period for a complaint or reference.

(8) In paragraph (7) “the normal period for a complaint or reference”, in relation to any matter within the jurisdiction of an industrial tribunal, means the period specified in the relevant statutory provision as the period within which the complaint or reference must be made (disregarding any provision permitting an extension of that period at the discretion of the tribunal).

- |            |   |
|------------|---|
| <b>F1</b>  | SR 1998/386   |
| <b>F2</b>  | Words in art. 237(2)(aa) substituted (1.9.2002 for certain purposes, otherwise prosp.) by <a href="#">Tax Credits Act 2002 (c. 21), ss. 27, 61, Sch. 1 para. 2(5)(a)</a> ; S.I. 2002/1727, <a href="#">art. 2</a>   |
| <b>F3</b>  | Word in art. 237(2)(aa) inserted (24.7.2005) by <a href="#">Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (N.I. 19)), arts. 1(2), 30(1), Sch. 2 para. 17(a)</a> ; S.R. 2005/345, art. 3, <a href="#">Sch.</a>  |
| <b>F4</b>  | Words in art. 237(2)(aa) substituted (1.9.2002 for certain purposes, otherwise prosp.) by <a href="#">Tax Credits Act 2002 (c. 21), ss. 27, 61, Sch. 1 para. 2(5)(b)</a> ; S.I. 2002/1727, <a href="#">art. 2</a>   |
| <b>F5</b>  | 1999 NI 9   |
| <b>F6</b>  | 2004 NI 19  |
| <b>F7</b>  | 2002 NI 2   |
| <b>F8</b>  | Words in art. 237(4) substituted (31.10.2009) by <a href="#">Armed Forces Act 2006 (Consequential Amendments) Order 2009 (S.I. 2009/2054), art. 2, Sch. 1 para. 15(a)</a>   |
| <b>F9</b>  | Words in art. 237(5) substituted (31.10.2009) by <a href="#">Armed Forces Act 2006 (Consequential Amendments) Order 2009 (S.I. 2009/2054), art. 2, Sch. 1 para. 15(a)</a>   |
| <b>F10</b> | <a href="#">Art. 237(6): definition of "the service complaint procedures" substituted (31.10.2009) for the definition of "the service redress procedures" by Armed Forces Act 2006 (Consequential Amendments) Order 2009 (S.I. 2009/2054), art. 2, Sch. 1 para. 15(b) (with Sch. 2 para. 9)</a> |

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

The Employment Rights (Northern Ireland) Order 1996, Section 237 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.