

SCHEDULES

SCHEDULE 1

Article 255.

CONSEQUENTIAL AMENDMENTS

The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)

Part I of Schedule 1 shall continue to have effect with the substitution (originally made by paragraph 8 of Schedule 4 to the Wages (Northern Ireland) Order 1988) of the following for paragraph 3(c)—

“(c) amounts deductible under any statutory provision, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any statutory provision, rules, deed or other instrument providing for the payment of annuities or lump sums—

(i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or

(ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise,

whether with or without any further or other benefits.”.

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

Article 102(10) shall continue to have effect with the substitution (originally made by paragraph 9 of Schedule 4 to the Wages (Northern Ireland) Order 1988 for “the Wages Councils Act (Northern Ireland) 1945” of “paragraph 3(c) of Schedule 1 to the Judgments Enforcement (Northern Ireland) Order 1981”.

The Education (Northern Ireland) Order 1986 (NI 3)

In Article 72 for paragraph (5) substitute—

“(5) In this Article “redundancy payment” has the same meaning as in the Employment Rights (Northern Ireland) Order 1996”.

The Income and Corporation Taxes Act 1988 (c. 1)

In section 579(6) for “section 42 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965” substitute “Article 201 of the Employment Rights (Northern Ireland) Order 1996”.

In section 580(1)(a) for “Part III of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (“the 1965 Act”)” substitute “Part XII of the Employment Rights (Northern Ireland) Order 1996”.

In section 580(1)(c) for “the 1965 Act” substitute “the Employment Rights (Northern Ireland) Order 1996”.

In paragraph 2 of Schedule 10 for “Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965” substitute “Employment Rights (Northern Ireland) Order 1996”.

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The Education (Academic Tenure) (Northern Ireland) Order 1988 (NI 21)

In Article 4(6) for “Article 21 of the Industrial Relations (Northern Ireland) Order 1976” substitute “Article 127 of the Employment Rights (Northern Ireland) Order 1996”.

The Health and Medicines (Northern Ireland) Order 1988 (NI 24)

In Article 11 for “the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and the Industrial Relations (Northern Ireland) Orders 1976 to 1987” substitute “the Employment Rights (Northern Ireland) Order 1996”.

The Fair Employment (Northern Ireland) Act 1989 (c. 32)

In section 6—

- (a) in subsection (1)(a)(i) for “Part III of the Industrial Relations (Northern Ireland) Order 1976” substitute “Part XI of the Employment Rights (Northern Ireland) Order 1996.”;
- (b) in subsection (1)(b) for “Industrial Relations (Northern Ireland) Order 1976” substitute “Employment Rights (Northern Ireland) Order 1996”.

In section 47(6) for “Part I of Schedule 2 to the Industrial Relations (Northern Ireland) Order 1976” substitute “Article 5 of the Employment Rights (Northern Ireland) Order 1996”.

The Insolvency (Northern Ireland) Order 1989 (NI 19)

In paragraph 13 of Schedule 4 for sub-paragraph (2) substitute—

“(2) An amount falls within this sub-paragraph if it is—

- (a) a guarantee payment under Part V of the Employment Rights (Northern Ireland) Order 1996 (employee without work to do);
- (b) any payment for time off under Article 81 (time off to look for work or arrange training), Article 84 (time off for ante-natal care) or Article 93 (time off for carrying out trade union duties etc.) of that Order;
- (c) remuneration on suspension on medical grounds, or on maternity grounds, under Part VIII of that Order; or
- (d) remuneration under a protective award made under Article 217 of that Order (redundancy dismissal with compensation).”.

The Education (Northern Ireland) Order 1989 (NI 20)

In Article 59(1) for “Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965” substitute “Employment Rights (Northern Ireland) Order 1996”.

The Health and Personal Social Services (Northern Ireland) Order 1990 (NI 3)

In the Schedule, in paragraph 6(6) for “Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and the Industrial Relations (Northern Ireland) Orders 1976 to 1987” substitute “Employment Rights (Northern Ireland) Order 1996”.

The Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1)

In Articles 7(3) and 12(4) for “Parts II to IV of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965” substitute “Part XII of the Employment Rights (Northern Ireland) Order 1996” and for “Parts II to IV” substitute “Part”.

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

In section 6(5) for the words from “section 11” onwards substitute “Part XII of the Employment Rights (Northern Ireland) Order 1996 (redundancy payments) does not apply by virtue of Article 242(2) or 250 of that Order”.

In sections 27(2)(b) and 28(4) for “section 11(2) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965” substitute “Article 174(1) of the Employment Rights (Northern Ireland) Order 1996”.

In section 112(3) for “the Industrial Relations (Northern Ireland) Order 1976” substitute “the Employment Rights (Northern Ireland) Order 1996”.

In section 167(1) for “Article 21(2) to (5) of the Industrial Relations (Northern Ireland) Order 1976” substitute “Part XI of the Employment Rights (Northern Ireland) Order 1996”.

Industrial Relations (Northern Ireland) Order 1992 (NI 5)

In Article 90(2)(b) for “Article 37 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976” substitute “Article 92 of the Employment Rights (Northern Ireland) Order 1996” and for “Article 38” substitute “Article 94”.

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (NI 6)

In Article 18(1) for “1976” in the first and third places where it occurs substitute “1992” and for “Industrial Relations (Northern Ireland) Order 1976” in the second place where it occurs substitute “Article 127 of the Trade Union and Labour Relations (Northern Ireland) Order 1995”.

The Pension Schemes (Northern Ireland) Act 1993 (c. 49)

In section 119(2) for the words from “Industrial Relations” to “omitted” substitute “Employment Rights (Northern Ireland) Order 1996 have the same meaning as in that Order”.

In section 120(4) for “Article 42(4)(a) to (d) of the Industrial Relations (Northern Ireland) Order 1976” substitute “Article 229(2) of the Employment Rights (Northern Ireland) Order 1996”.

In section 161(7) for “Article 76(8) of the Industrial Relations (Northern Ireland) Order 1976” substitute “Article 242(5) of the Employment Rights (Northern Ireland) Order 1996”.

The Social Security (Northern Ireland) Order 1993 (NI 2)

In Article 4(1) for sub-paragraph (b) substitute—

“(b) under Articles 202(1) and 227 of the Employment Rights (Northern Ireland) Order 1996;”.

The Criminal Justice and Public Order Act 1994 (c. 33)

In section 126(2) for paragraph (b) substitute—

“(b) the Trade Union and Labour Relations (Northern Ireland) Order 1995 and the Employment Rights (Northern Ireland) Order 1996.”.

The Airports (Northern Ireland) Order 1994 (NI 1)

In Article 19(5) for sub-paragraph (a) substitute—

“(a) the Employment Rights (Northern Ireland) Order 1996; and”.

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The Trade Union and Labour Relations (Northern Ireland) Order 1995 (NI 12)

In Article 2(2) for the definitions of “the No. 1 Order” and “the No. 2 Order” substitute—

““the Employment Rights Order” means the Employment Rights (Northern Ireland) Order 1996;”.

In Article 34(6) for “Article 35(4) of the No. 1 Order” substitute “Article 23(1)(a) of the Employment Rights Order” and for “Article 37” substitute “Article 158(1)”.

In Article 35(11) for “Part II of the Wages Order” substitute “the Employment Rights Order”.

In Article 36(4) for sub-paragraphs (a) and (b) substitute—

“(a) a contravention of the requirement not to make a deduction without having given the particulars required by Article 40 (itemised pay statements) or 41(1) (standing statements of fixed deductions of the Employment Rights Order;

(b) a contravention of Article 45 of that Order; and”.

In Article 40(6) for “Article 35(4) of the No. 1 Order” substitute “Article 23(1)(a) of the Employment Rights Order” and for “Article 37” substitute “Article 158(1)”.

In Article 62(2) for “Article 3 of the Wages Order” substitute “Article 45 of the Employment Rights Order”.

In Article 62(3) for “Article 7 of the Wages Order” substitute “Article 55 of the Employment Rights Order”.

In Article 62(4) for “Article 7(2) of the Wages Order” substitute “Article 55(2) of the Employment Rights Order”.

In Article 141(1) after “this Order” insert “and the 1992 Order”.

In Article 141(2) at the end add “or in relation to Articles 42 and 43 of the 1992 Order”.

In Article 141(4) after sub-paragraph (b) insert—

“(bb) the reference in Article 40(1)(e) of the 1992 Order to the employer’s undertaking shall be construed as a reference to the national interest;”.

The Jobseekers (Northern Ireland) Order 1995 (NI 15)

In Articles 16(3)(b) and 21(7) for “section 11(2) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965” substitute “Article 174(1) of the Employment Rights (Northern Ireland) Order 1996”.

In paragraph 6(2)(a) of Schedule 1 for “Industrial Relations (Northern Ireland) Order 1976” substitute “Employment Rights (Northern Ireland) Order 1996” and for “Article 51” substitute “Article 217”.

The Disability Discrimination Act 1995 (c. 50)

In section 50(9) for “the Industrial Relations (Northern Ireland) Orders 1976” substitute “the Employment Rights (Northern Ireland) Order 1996”.

SCHEDULE 2

Article 256.

TRANSITIONAL PROVISIONS, SAVINGS AND TRANSITORY PROVISIONS

PART I

TRANSITIONAL PROVISIONS AND SAVINGS

General transitionals and savings

1. The substitution of this Order for the provisions repealed or revoked by this Order does not affect the continuity of the law.

2.—(1) Anything done, or having effect as done, (including the making of subordinate legislation) under or for the purposes of any provision repealed or revoked by this Order has effect as if done under or for the purposes of any corresponding provision of this Order.

(2) Sub-paragraph (1) does not apply to the making of any subordinate legislation to the extent that it is reproduced in this Order.

3. Any reference (express or implied) in this Order or any other statutory provision, or in any instrument or document, to a provision of this Order is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes before the coming into operation of this Order a reference to the corresponding provision repealed or revoked by this Order.

4.—(1) Any reference (express or implied) in any statutory provision, or in any instrument or document, to a provision repealed or revoked by this Order is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes after the coming into operation of this Order a reference to the corresponding provision of this Order.

(2) In particular, where a power conferred by a statutory provision is expressed to be exercisable in relation to statutory provisions passed or made before the statutory provision conferring the power, the power is also exercisable in relation to provisions of this Order which reproduce such statutory provisions.

5. Paragraphs 1 to 4 have effect in place of section 29 of the Interpretation Act (Northern Ireland) 1954 (but are without prejudice to any other provision of that Act).

Preservation of old transitionals and savings

6.—(1) The repeal by this Order of a statutory provision previously repealed subject to savings (whether or not in the repealing provision) does not affect the continued operation of those savings.

(2) The repeal by this Order of a saving made on the previous repeal of a statutory provision does not affect the operation of the saving in so far as it remains capable of having effect.

(3) Where the purpose of a statutory provision repealed by this Order was to secure that the substitution of provisions of that statutory provision for provisions repealed by that statutory provision did not affect the continuity of the law, the statutory provision repealed by this Order continues to have effect in so far as it is capable of doing so.

Employment particulars

7.—(1) In this paragraph “existing employee” means an employee whose employment with his employer began before 7th December 1994, whether or not the provisions of section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 applied to him before that date.

(2) Subject to the following provisions of this paragraph, Articles 33 to 39 do not apply to an existing employee (but the provisions of section 4 of the Act of 1965 continue in force in his case).

(3) Where an existing employee, at any time—

- (a) on or after the day on which this Order comes into operation, and
- (b) either before the end of his employment or within the period of three months beginning with the day on which his employment ends,

requests from his employer a statement under Article 33, the employer shall (subject to Article 37 and any other provision disapplying or having the effect of disapplying Articles 33 to 36) be treated as being required by Article 33 to give him a written statement under that Article not later than two months after the request is made; and Article 36 shall (subject to that) apply in relation to the employee after he makes the request.

(4) An employer is not required to give an employee a statement under Article 33 pursuant to sub-paragraph (3)—

- (a) on more than one occasion, or
- (b) if he has already given him a statement pursuant to paragraph 2(3) of Schedule 7 to the Industrial Relations (Northern Ireland) Order 1993.

(5) Where—

- (a) on or after the day on which this Order comes into operation there is in the case of an existing employee a change in any of the matters particulars of which would, had he been given a statement of particulars on 7th December 1994 under Article 43 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976, have been included or referred to in the statement, and
- (b) he has not previously requested a statement under sub-paragraph (3) or paragraph 2(3) of Schedule 7 to the Industrial Relations (Northern Ireland) Order 1993,

paragraphs (1) and (6) of Article 36 shall be treated (subject to Article 37 and any other provision disapplying or having the effect of disapplying Article 36) as requiring his employer to give him a written statement containing particulars of the change at the time specified in paragraph (3) of Article 36; and the other provisions of Article 36 apply accordingly.

Monetary limits in old cases

8. In relation to any case in which (but for this Order) a limit lower than that set by Article 3 of the Employment Protection (Increase of Limits) Order (Northern Ireland) 1995 would have applied in accordance with Article 4 of that Order, this Order has effect as if it reproduced that lower limit.

Periods of employment

9.—(1) The reference in Article 11(2)(b) to a person being an employed earner for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in respect of whom a secondary Class 1 contribution was payable under that Act (whether or not it was in fact paid) shall be construed—

- (a) as respects a week of employment after 1st June 1976 and before 1st July 1992, as a reference to a person being an employed earner for the purposes of the Social Security (Northern Ireland) Act 1975 in respect of whom a secondary Class 1 contribution was payable under that Act (whether or not it was in fact paid), and
- (b) as respects a week of employment after 6th April 1975 and before 1st June 1976, as a reference to a person being an employed earner for the purposes of the Social Security (Northern Ireland) Act 1975.

(2) The references in paragraph (4) of Article 11 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 include the Social Security (Northern Ireland) Act 1975; and that paragraph applies to any question arising whether an employer's contribution was or would have been payable as mentioned in sub-paragraph (1).

10.—(1) Subject to paragraph 9 and sub-paragraph (2), Chapter III of Part I applies to periods before this Order comes into operation as it applies to later periods.

(2) Any week which counted as a period of employment in the computation of a period of employment for the purposes of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 or the Industrial Relations (Northern Ireland) Order 1976 counts as a period of employment for the purposes of this Order; and any week which did not break the continuity of a person's employment for the purposes of that Act or Order shall not break the continuity of a period purposes of this Order. of employment for the

PART II

TRANSITORY PROVISIONS

Occupational pension scheme trustees

11.—(1) If Articles 42 to 46 of the Pensions (Northern Ireland) Order 1995 have not come into operation before the coming into operation of this Order, this Order shall have effect with the omission of Articles 69,86 to 88 and 133 until the relevant commencement date.

(2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—

- (a) if an order has been made before the coming into operation of this Order appointing a day after that coming into operation as the day on which Articles 42 to 46 of the Pensions (Northern Ireland) Order 1995 are to come into operation, to the day so appointed, and
- (b) otherwise, to such day as the Department may by order appoint.

Armed forces

12.—(1) If Article 10 of the Industrial Relations (Northern Ireland) Order 1993 has not come into operation before the coming into operation of this Order, this Order shall have effect until the relevant commencement date as if for Article 237 there were substituted—

“Armed forces

237. Article 236—

- (a) does not apply to services as a member of the naval, military or air forces of the Crown, but

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- (b) does apply to employment by an association established for the purposes of Part VI of the Reserve Forces Act 1980.”
- (2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—
- (a) if an order has been made before the coming into operation of this Order appointing a day after that coming into operation as the day on which Article 10 of the Industrial Relations (Northern Ireland) Order 1993 is to come into operation, to the day so appointed, and
- (b) otherwise, to such day as the Department may by order appoint.

Disability discrimination

13.—(1) If paragraph 1 of Schedule 6 to the Disability Discrimination Act 1995 has not come into force before the coming into operation of this Order, this Order shall have effect with the omission of paragraphs (3)(d) and (4)(a)(iv) of Article 15 until the relevant commencement date.

- (2) The reference in sub-paragraph (1) to the relevant commencement date is a reference—
- (a) if an order has been made before the coming into operation of this Order appointing a day after that coming into operation as the day on which paragraph 1 of Schedule 6 to the Disability Discrimination Act 1995 is to come into force, to the day so appointed, and
- (b) otherwise, to such day as the Department may by order appoint.

SCHEDULE 3

Article 257.

REPEALS

Chapter or Number	Short title	Extent of repeal
1965 c. 19 (N.I.).	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	The whole Act.
1969 c. 48.	The Post Office Act 1969.	In Schedule 9, paragraph 35.
1972 c. 9 (N.I.).	The Local Government Act (Northern Ireland) 1972.	Section 135(6).
1972 NI 10.	The Superannuation (Northern Ireland) Order 1972.	In Schedule 6, paragraph 3.
1972 NI 14.	The Health and Personal Social Services (Northern Ireland) Order 1972.	Article 77(4) and (7).
1973 c. 38.	The Social Security Act 1973.	In Schedule 27, paragraph 121.
1973 NI 16.	The Enterprise Ulster (Northern Ireland) Order 1973.	Article 14(2). Schedule 2.
1976 NI 16.	The Industrial Relations (Northern Ireland) Order 1976.	The whole Order.

Chapter or Number	Short title	Extent of repeal
1976 NI 28.	The Industrial Relations (No. 2) (Northern Ireland) Order 1976.	The whole Order.
1977 NI 10.	The Transport (Northern Ireland) Order 1977.	Article 2(7).
1977 NI 22.	The Agricultural Wages (Regulation) (Northern Ireland) Order 1977.	Article 15(1).
1978 NI 9.	The Health and Safety at Work (Northern Ireland) Order 1978.	In Schedule 6, paragraph 5.
1982 NI 8.	The Industrial Relations (Northern Ireland) Order 1982.	The whole Order.
1982 NI 10.	The Probation Board (Northern Ireland) Order 1982.	In Schedule 2, paragraph 3.
1982 NI 15.	The Industrial Development (Northern Ireland) Order 1982.	In Schedule 3, paragraph 5.
1982 NI 16.	The Social Security (Northern Ireland) Order 1982.	In Schedule 2, paragraph 12.
1986 NI 3.	The Education and Libraries (Northern Ireland) Order 1986.	In Article 72(2) the words “under the 1965 Act”. In Article 72(2) and (3) the words from “less the amount” to the end. In Schedule 18, the amendments to the Industrial Relations (No. 2) (Northern Ireland) Order 1976.
1986 NI 16.	The Redundancy Rebates (Northern Ireland) Order 1986.	The whole Order.
1987 NI 5.	The Audit (Northern Ireland) Order 1987.	In Schedule 1, paragraph 5(4).
1987 NI 9.	The Industrial Relations (Northern Ireland) Order 1987.	The whole Order except Articles 1(1), 2(1) and 3(2).
1987 NI 10.	The Police (Northern Ireland) Order 1987.	In Schedule 1, paragraph 16(4) and (5).
1988 NI 7.	The Wages (Northern Ireland) Order 1988.	The whole Order.
1988 NI 23.	The Housing (Northern Ireland) Order 1988.	In Schedule 1, paragraph 2(4) and (5).
1989 NI 13.	The Social Security (Northern Ireland) Order 1989.	In Schedule 5, paragraph 15.

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Chapter or Number	Short title	Extent of repeal
1989 NI 19.	The Insolvency (Northern Ireland) Order 1989.	Article 380. In Schedule 9, paragraphs 68 and 88 to 90.
1989 NI 20.	The Education Reform (Northern Ireland) Order 1989.	In Schedule 9, the amendments to the Industrial Relations (No. 2) (Northern Ireland) Order 1976.
1989 c. 32.	The Fair Employment Act 1989.	In Schedule 2, paragraphs 32 and 33.
1990 NI 2.	The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990.	Articles 14 to 17. In Schedule 4, paragraphs 1 to 4. In Schedule 7, paragraphs 2 to 4.
1990 NI 8.	The Industrial Training (Northern Ireland) Order 1990.	Article 3(4).
1991 NI 1.	The Health and Personal Social Services (Northern Ireland) Order 1991.	Article 12(2)(d) and (3). In Schedule 5, the amendment to the Industrial Relations (No. 2) (Northern Ireland) Order 1976.
1991 NI 2.	The Redundancy Fund (Abolition) (Northern Ireland) Order 1991.	The whole Order.
1992 c. 9.	The Social Security (Consequential Provisions) (Northern Ireland) Act 1992.	In Schedule 2, paragraphs 5, 16 and 34.
1992 NI 1.	The Electricity (Northern Ireland) Order 1992.	Article 57(2) and (3).
1992 NI 5.	The Industrial Relations (Northern Ireland) Order 1992.	Articles 98 and 99. Article 108. Schedules 5 and 6.
1993 NI 11.	The Industrial Relations (Northern Ireland) Order 1993.	Article 2(2). Articles 3 to 10. Articles 12 and 13.

Chapter or Number	Short title	Extent of repeal
		Article 16(1) to (3). In Article 16(4) the words “the No. 2 Order, the Wages (Northern Ireland) Order 1988”. Article 18(2) to (4). Schedules 1 to 3. In Schedule 4, paragraphs 2 and 3. In Schedule 5, paragraphs 2, 3, 5 and 7. Schedules 6 to 8.
1993 NI 12.	The Education and Libraries (Northern Ireland) Order 1993.	In Schedule 4, the amendment to the Industrial Relations (No. 2) (Northern Ireland) Order 1976.
1994 c. 20.	The Deregulation and Contracting Out Act 1994.	Section 36(2).
1994 NI 12.	The Social Security (Incapacity for Work) (Northern Ireland) Order 1994.	In Schedule 1, paragraph 53.
1995 c. 50.	The Disability Discrimination Act 1995.	Section 50(9)(a)(ii).
1995 NI 12.	The Trade Union and Labour Relations (Northern Ireland) Order 1995.	In Schedule 6, paragraph 1. In Article 2(2) the definition of “the Wages Order”. Articles 42 and 43. Article 136. Schedule 1. In Schedule 2, the amendments to the Industrial Relations (Northern Ireland) Order 1976, the Industrial Relations (No. 2) (Northern Ireland) Order 1976 and the Industrial Relations (Northern Ireland) Order 1993.
1995 NI 19.	The Pensions (Northern Ireland) Order 1995.	Articles 42 to 46. In Schedule 1, paragraphs 1 to 7 and 9.