

**2005 No. 152**

**EMPLOYMENT**

**Code of Practice (Disciplinary and Grievance Procedures)  
(Appointed Day) Order (Northern Ireland) 2005**

*Made* - - - - - *22nd March 2005*

*Coming into operation* *3rd April 2005*

The Department for Employment and Learning(a), in exercise of the powers conferred on it by Articles 90(7) and (17) and 107(3) of the Industrial Relations (Northern Ireland) Order 1992(b), and now vested in it(c), and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation**

**1.** This Order may be cited as the Code of Practice (Disciplinary and Grievance Procedures) (Appointed Day) Order (Northern Ireland) 2005.

**Code of practice**

**2.** Subject to Article 3, the Department for Employment and Learning hereby appoints 3rd April 2005 as the day on which there shall come into effect the Code of Practice on Disciplinary and Grievance Procedures, a draft of which was issued by the Agency on 1st April 2004 under Article 90(1) and (7) of the Industrial Relations (Northern Ireland) Order 1992.

**Transitional provision**

**3.—(1)** The Code which came into effect on 1st December 2002 by virtue of the Code of Practice (Disciplinary and Grievance Procedures) (Appointed Day) Order (Northern Ireland) 2002(d) shall only have effect –

- (a) in relation to dismissal and relevant disciplinary action, where the employer first contemplates dismissing or taking such action against the employee before 3rd April 2005; and
- (b) in relation to grievances, where –
  - (i) the employee has raised with the employer a grievance about an action before 3rd April 2005 (regardless of whether the action continues after that date);
  - (ii) the employee has presented a complaint to a tribunal about that grievance before 3rd April 2005; or
  - (ii) the proceedings are before the Industrial Court prior to 3rd April 2005.

(2) In this Article, “tribunal” means a tribunal established by Regulations under Article 3(1) of the Industrial Tribunals (Northern Ireland) Order 1996(e).

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(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)  
(b) S.I. 1992/807 (N.I. 5); Article 90 was amended by S.I. 1996/1919 (N.I. 16) and S.I. 2003/2902 (N.I. 15)  
(c) *See* S.R. 1999 No. 481  
(d) S.R. 2002 No. 347  
(e) S.I. 1996/1921 (N.I. 18)

Sealed with the Official Seal of the Department for Employment and Learning on 22nd March 2005.

(L.S.)

*T. Devine*

A senior officer of the Department for Employment and Learning

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order appoints 3rd April 2005 as the day upon which the Code of Practice on Disciplinary and Grievance Procedures (“the Code”) issued by the Labour Relations Agency under Article 90 of the Industrial Relations (Northern Ireland) Order 1992, shall come into effect.

Under paragraph (16) of Article 90 of that Order the Code can be admitted in evidence in any proceedings before an industrial tribunal or the Industrial Court and if any provision of it appears to the tribunal or Industrial Court to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

The Code replaces an earlier Code entitled “Disciplinary and Grievance Procedures” issued by the Labour Relations Agency on 19th September 2000 which came into effect, by virtue of the Code of Practice (Disciplinary and Grievance Procedures) (Appointed Day) Order (Northern Ireland) 2002, on 1st December 2002. That Code of Practice continues to have effect in relation to proceedings before an industrial tribunal or the Industrial Court immediately before 3rd April 2005.

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