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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 12**

**The Seafarers (Collective Redundancies, Information and Consultation and Insolvency Miscellaneous Amendments) Regulations (Northern Ireland) 2020**

**Amendment of the Employment Rights (Northern Ireland) Order 1996**

- 3.—(1) The Employment Rights (Northern Ireland) Order 1996 is amended as follows.  
(2) After Article 221 (Duty of employer to notify Department of certain redundancies) insert—

**“Duty of employer to notify competent authority of a vessel’s flag State of certain redundancies**

**221A.**—(1) Article 221 has effect subject to this Article if—

- (a) the duty under Article 221(1) or (2) applies to a proposal to dismiss employees as redundant, and
- (b) the employees concerned are members of the crew of a seagoing vessel which is registered at a port outside Northern Ireland.

(2) The employer must give the notification required by Article 221(1) or (2) to the competent authority of the State where the vessel is registered (instead of to the Department).”.

(3) In Article 239(1) (Employment outside Northern Ireland)—

- (a) in paragraph (2)(d) for “221 and 222” substitute “221 to 222”;
- (b) after paragraph (3) insert—

“(4) For the purposes of paragraph (1) as it relates to Articles 221 to 222, employment on board a ship registered in the United Kingdom is to be treated as employment where under his contract a person ordinarily works in Northern Ireland.”.

(4) In Article 242(2) (Mariners)—

- (a) in paragraph (2) for “Parts XI to XIV” substitute “Parts 11 and 12”;
- (b) in paragraph (4) omit “and Part XIV”.

(5) The amendments made by paragraphs (2) and (3) and the amendments made by paragraph (4), so far as they relate to Part 13 of the Employment Rights (Northern Ireland) Order 1996, only have effect in relation to dismissals (within the meaning given by Article 223 of the Employment Rights (Northern Ireland) Order 1996) which are first proposed by an employer on or after the date on which these Regulations come into operation.

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(1) [S.I. 1996/1919 \(N.I. 16\)](#); Article 239 was substituted by Article 31(1) of the Employment Relations (Northern Ireland) Order 1999 ([S.I. 1999/2790 \(N.I. 9\)](#)) and amended by paragraph 18 of Schedule 2 to the Employment Relations (Northern Ireland) Order 2004 ([S.I. 2004/3078 \(N.I. 19\)](#)).

(2) [S.I. 1996/1919 \(N.I. 16\)](#); Article 242 was amended by paragraph 4 of Schedule 2 to the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#)), partially revoked by paragraph 2 of Schedule 9 to the Employment Relations (Northern Ireland) Order 1999 ([S.I. 1999/2790 \(N.I. 9\)](#)) and amended by paragraph 19 of Schedule 2 to the Employment Relations (Northern Ireland) Order 2004 ([S.I. 2004/3078 \(N.I. 19\)](#)). There are other amendments which are not relevant.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) The amendments made by paragraph (4), so far as they relate to Part 14 of the Employment Rights (Northern Ireland) Order 1996, only have effect in relation to employees whose employer has become insolvent (within the meaning given by Article 228 of the Employment Rights (Northern Ireland) Order 1996<sup>(3)</sup>) on or after the date on which these Regulations come into operation.

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(3) [S.I. 1996/1919 \(N.I. 16\)](#); Article 228 was amended by paragraph 14 of Schedule 4 to the Limited Liability Partnerships Regulations (Northern Ireland) 2004 ([S.R. 2004 No. 307](#)), paragraph 54 of Schedule 2 to the Insolvency (Northern Ireland) Order 2005 ([S.I. 2005/1455 \(N.I. 10\)](#)), paragraph 5 of the Schedule to the Debt Relief Act (Northern Ireland) 2010 ([c. 16 \(N.I.\)](#)) and paragraph 255 of the Schedule to the Insolvency (Amendment) (EU Exit) Regulations 2019 ([S.I. 2019/146](#)).