STATUTORY RULES OF NORTHERN IRELAND

# 2020 No. 12

# EMPLOYMENT

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

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| *Made - - - -* | *10th January 2020* |
| *Coming into operation* | *26th January 2020* |

The Department for the Economy(**1**) makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**2**).

The Department for the Economy has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the information and consultation of employees(**3**), in relation to measures relating to dismissals or terminations of employment contracts where such dismissals or terminations are effected by an employer for one or more reasons not related to the individual workers concerned(**4**), in relation to measures relating to employment rights and duties(**5**) and in relation to insolvency(**6**).

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Seafarers (Collective Redundancies, Information and Consultation and Insolvency Miscellaneous Amendments) Regulations (Northern Ireland) 2020 and come into operation on 26th January 2020.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) Formerly the Department for Employment and Learning; see section 1(10) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).
(**2**) 1972 c. 68; section 2 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7), section 3(3).
(**3**) S.I. 1999/2788.
(**4**) S.I. 1994/2791.
(**5**) S.I. 2000/738.
(**6**) S.I. 2001/3495.
(**7**) 1954 c. 33 (N.I.).

### Amendment of the Pension Schemes (Northern Ireland) Act 1993

**2.**—(1) Section 161 of the Pension Schemes (Northern Ireland) Act 1993(**8**) (Application of certain provisions to cases with foreign element) is amended as follows.

(2) For subsection (6) substitute—

> "(6) Chapter 2 of Part 7 and section 153 do not apply to employment where under his worker's contract the worker ordinarily works outside the territory of the member States, but section 201 of the Employment Rights Act 1996 (power to extend employment protection legislation) applies to Chapter 2 of Part 7 and section 153 as it does to the provisions mentioned in that Act.".

(3) In subsection (7) omit the definition of "employment as a merchant seaman".

(4) In consequence of the amendment made by paragraph (3), omit the amendment to section 161(7) of the Pension Schemes (Northern Ireland) Act 1993 that is made by Schedule 1 to the Employment Rights (Northern Ireland) Order 1996(**9**).

(5) The amendments made by paragraphs (2) to (4) only have effect in relation to employers who become insolvent (within the meaning given by section 119 of the Pension Schemes (Northern Ireland) Act 1993(**10**)) on or after the date on which these Regulations come into operation.

(6) The substitution made by paragraph (2) is without prejudice to the amendments made by regulation 2(6) of the Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2019(**11**).

### 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(**12**) (Employment outside Northern Ireland)—

(a) in paragraph (2)(d) for "221 and 222" substitute "221 to 222";

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(**8**) 1993 c. 49; section 161 was amended by Schedule 1 to the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)), by paragraph 72 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and by section 41 of the Pensions Act (Northern Ireland) 2015 (c.5). It is prospectively amended by regulation 2 of the Occupational and Personal Pension Schemes (Amendment etc.) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/193). There are other amendments which are not relevant.

(**9**) S.I. 1996/1919 (N.I. 16).

(**10**) 1993 c. 49; section 119 was amended by paragraph 53 of Schedule 2 to the Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)) and paragraph 256 of the Schedule to the Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146). There are other amendments which are not relevant.

(**11**) S.I. 2019/193.

(**12**) 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)).