STATUTORY RULES OF NORTHERN IRELAND

2011 No. 159 (C. 8)

EMPLOYMENT

The Employment Act (Northern Ireland) 2011 (Commencement No. 1, Transitional Provisions and Savings) Order (Northern Ireland) 2011

Made - - - - 24th March 2011

The Department for Employment and Learning(**1**) makes the following Order in exercise of the powers conferred by section 17 of the Employment Act (Northern Ireland) 2011(**2**).

Citation and interpretation

1.—(1) This Order may be cited as the Employment Act (Northern Ireland) 2011 (Commencement No. 1, Transitional Provisions and Savings) Order (Northern Ireland) 2011.

(2) In this Order:

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**3**);

"the 2003 Order" means the Employment (Northern Ireland) Order 2003(**4**);

"the Regulations" means the Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004(**5**); and

"the Act" means the Employment Act (Northern Ireland) 2011.

Commencement

2. Subject to Article 3, sections 1 to 14 and 16 of, and Schedules 1, 2 and 4 to, the Act shall come into operation on 3rd April 2011.

Transitional provisions and savings

3. The transitional provisions and savings in the Schedule shall have effect.

(**1**) Formerly the Department for Higher Education, Training and Employment; *see*2001 c.15 (N.I.).
(**2**) 2011 c. 13 (N.I.).
(**3**) S.I. 1996/1919 (N.I. 16), to which there are amendments not relevant to this Order.
(**4**) S.I. 2003/2902 (N.I. 15), as amended by the 2011 c. 13 (N.I.); there are other amendments not relevant to this Order.
(**5**) S.R. 2004 No. 521, to which there are amendments not relevant to this Order.

Sealed with the Official Seal of the Department for Employment and Learning on 24th March 2011.

L.S.

Danny Kennedy
Minister for Employment and Learning

SCHEDULE Article 3

PART 1

Transitional Provisions and Savings

1. The following amendments and repeals made by the Act shall have effect subject to the provisions of paragraph 2—

(a) in the 2003 Order—

(i) the repeal of Articles 16, 19, 20, 21 and 22;

(ii) the repeal of Part 2 and paragraph 15 of Schedule 1;

(iii) the repeal of Schedule 3;

(iv) the amendment of Articles 15(1) and 34(3), and paragraphs 11 and 14 of Schedule 1;

(b) in the Industrial Relations (Northern Ireland) Order 1992(**6**)—

(i) the insertion of Article 90AA;

(ii) the amendment of Article 107(2);

(iii) the insertion of Schedule 4A.

2.—(1) The amendments and repeals referred to in paragraph 1 shall not have effect where the standard grievance procedure or the modified grievance procedure applies by virtue of regulation 6 of the Regulations, and the action about which the employee complains (by complying with paragraph 6 or 9 of Schedule 1 to the 2003 Order, or presenting a complaint to a tribunal) occurs wholly before 3rd April 2011.

(2) The amendments and repeals referred to in paragraph 1 shall not have effect where the standard grievance procedure or the modified grievance procedure applies by virtue of regulation 6 of the Regulations and—

(a) the action which forms the basis of a grievance begins on or before 2nd April 2011 and continues beyond that date; and

(b) the employee presents a complaint to a tribunal or complies with paragraph 6 or 9 of Schedule 1 to the 2003 Order in relation to the grievance—

(i) on or before 2nd July 2011 under a jurisdiction listed in Part 2 of this Schedule and Article 144 of the 1996 Order(**7**) does not apply;

(ii) on or before 2nd October 2011 under a jurisdiction listed in Part 2 of this Schedule and Article 144 of the 1996 Order applies;

(iii) on or before 2nd October 2011 under a jurisdiction listed in Part 3 of this Schedule.

3. The terms—

"action";

"grievance";

"modified grievance procedure";

"standard grievance procedure"; and

"tribunal",

(**6**) S.I. 1992/807 (N.I. 5).

(**7**) Article 144 was amended by S.R. 1998 No. 386, regulation 32(5); S.I. 1999/2790 (N.I. 9), Schedule 4, Part 3, paragraph 11, Schedule 5, paragraphs 4 and 5 and Schedule 9; and S.I. 2004/3078 (N.I. 19), Article 20(9) and 21(4).