STATUTORY RULES OF NORTHERN IRELAND

2010 No. 61

EMPLOYMENT

The Employment Rights (Revision of Limits) Order (Northern Ireland) 2010

Made - - - -	*3rd March 2010*
Coming into operation	*7th March 2010*

The Department for Employment and Learning(**1**) makes the following Order in exercise of the powers conferred by Articles 33(2) and (3) and 39(3) of the Employment Relations (Northern Ireland) Order 1999(**2**) and now vested in it(**3**):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Revision of Limits) Order (Northern Ireland) 2010 and shall come into operation on 7th March 2010.

(2) In this Order —

(a) "the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995(**4**);

(b) "the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**5**).

Revision of limits

2. In the provisions set out in column 1 of the Schedule (generally described in column 2), for the sums specified in column 3 substitute the sums specified in column 4.

Transitional provisions

3.—(1) The substitutions made by Article 2 do not have effect in relation to a case where the appropriate date falls before 7th March 2010.

(**1**) Formerly known as the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

(**2**) S.I. 1999/2790 (N.I. 9); Article 33 was partially disapplied by the Work and Families (Increase of Maximum Amount) Order (Northern Ireland) 2009 (S.R. 2009 No. 317)

(**3**) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Employment Relations (Northern Ireland) Order 1999 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning

(**4**) S.I. 1995/1980 (N.I. 12)

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

(2) In this Article "the appropriate date" means —

(a) in the case of an application made under Article 34(1)(**6**) of the 1995 Order (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant's right;

(b) in the case of an application made under Article 40(2) of the 1995 Order (compensation for expulsion from a trade union), the date of the expulsion from the union;

(c) in the case of an award under paragraph 159(1) of Schedule 1A to the 1995 Order(**7**), (compensation for a worker who has been subjected to a detriment in contravention of paragraph 156 of that Schedule), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(d) in the case of a complaint presented under Article 28(1)(a) of the 1996 Order (refusal of employment on grounds related to union membership) or Article 28(1)(b) of that Order (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined by Article 28(2) to (4) of that Order;

(e) in the case of a guarantee payment to which an employee is entitled under Article 60(1) of the 1996 Order (right to guarantee payment in respect of workless day), the day in respect of which the payment is due;

(f) in the case of an award of compensation under Article 72(1)(b) of the 1996 Order by virtue of section 24(2) of the National Minimum Wage Act 1998(**8**) (compensation for a worker who has been subjected to a detriment in contravention of section 23 of the National Minimum Wage Act 1998(**9**)), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(g) in the case of an award under Article 146(4) or (5) of the 1996 Order(**10**) (award in relation to unfair dismissal) the effective date of termination as defined by Article 129(**11**) of that Order;

(h) in the case of an award under Article 151(1) or (3) of the 1996 Order(**12**), where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order for reinstatement (specified under Article 148(2)(c) of that Order) or, as the case may be, re-engagement (specified under Article 149(2)(f) of that Order) should have been complied with.

(**6**) Article 34(1) was amended by Articles 23(1) and 158(1) of the 1996 Order
(**7**) Schedule 1A was inserted by Article 3(1) and (3) and Schedule 1 to the Employment Relations (Northern Ireland) Order 1999
(**8**) 1998 c. 39
(**9**) Section 23 was amended by the Employment Relations Act 1999 (c. 26), section 18(4) and the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)), Articles 1(2), 20(5) and Schedule 9, paragraph (3)
(**10**) Article 146(4) was amended by the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I.15)), Article 35 and Schedule 5, paragraph 2(6). Article 146(5) was inserted by Article 23(3) of the Employment (Northern Ireland) Order 2003 and amended by the Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 261), Schedule 7, paragraph 3(7)
(**11**) Article 129 was amended by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 298), Schedule 2, paragraph 2(8)
(**12**) Article 151(3) was amended by Article 32(2) of the Employment Relations (Northern Ireland) Order 1999