STATUTORY RULES OF NORTHERN IRELAND

2009 No. 317

EMPLOYMENT

The Work and Families (Increase of Maximum Amount) Order (Northern Ireland) 2009

Made - - - - 10th September 2009

Coming into operation 1st October 2009

Approved by resolution of the Assembly on 1st February 2010

The Department for Employment and Learning makes the following Order in exercise of the powers conferred by Article 16 of the Work and Families (Northern Ireland) Order 2006(**1**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Work and Families (Increase of Maximum Amount) Order (Northern Ireland) 2009 and shall come into force on 1st October 2009.

(2) In this Order—

(a) "the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995(**2**);

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

Increase in the maximum amount of a week's pay

2.—(1) For each of the sums specified(**4**) in section 23(1) of the 1996 Order(**5**) (maximum amount of a week's pay for the purposes of the 1996 Order relating to awards of compensation and redundancy payments) and section 231(1)(a) and (b) of the 1996 Order(**6**) (employee's rights on insolvency of employer; maximum amount payable) substitute £380.

(2) The substitution made by Article 2(1) does not have effect in relation to a case where the appropriate date falls before 1 October 2009.

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

(**1**) S.I. 2006/1947 (N.I. 16).
(**2**) S.I. 1995/1980 (N.I. 12). Relevant amendments to this Order are noted in the footnotes below.
(**3**) S.I. 1996/1919 (N.I. 16). Relevant amendments to this Order are noted in the footnotes below.
(**4**) The sums specified were substituted from 15th February 2009 by S.R. 2009 No. 45.
(**5**) Section 23(1) was amended by the Employment (Northern Ireland) Order 2002 (NI 2), Article 17(1) and Schedule 2, paragraph 4(4); S.I. 2003/2902 (NI 15); SR 2003 No.241 Article 3 and Schedule 1; SR 2005 No.12 Article 3 and Schedule 1.
(**6**) Section 231(a) and (b) was amended by SR 2003 No.241 and SR 2005 No.12.

(a) in the case of an application made under Article 34(1)(**7**) 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 a complaint presented under Article 44C(1) of the 1995 Order(**8**) (failure by an employer to consult with a trade union on training matters), the date of the alleged failure;

(d) in the case of an award under paragraph 159(1) of Schedule 1A to the 1995 Order(**9**), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(e) 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(**10**), where a worker has suffered a detriment that is the termination of the worker's contract, the date of the termination;

(f) in the case of an award under Article 112I(1)(b) of the 1996 Order(**11**) (award of compensation relating to an application for contract variation), the date of the failure in relation to the application or of the decision to reject the application;

(g) in the case of an award under Article 146(4) or (5) of the 1996 Order(**12**) (award in relation to unfair dismissal) the effective date of termination as defined by Article 129(**13**) of that Order;

(h) in the case of an award under Article 151(3) of the 1996 Order(**14**), where an employer has failed to reinstate or re-engage the complainant in accordance with an order under Article 147 of that 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;

(i) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(a) of the 1996 Order (dismissal by reason of redundancy), the relevant date as defined by Article 180 of that Order(**15**);

(j) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(b) of the 1996 Order (lay-off or short-term), the relevant date as defined by Article 188 of that Order;

(k) in the case of entitlement to a payment under Article 227 of the 1996 Order (payments by the Department), the appropriate date as defined by Article 230 of that Order;

(l) in the case of a complaint presented under Article 13(1) of the Employment Relations (Northern Ireland) Order 1999(**16**) (failure or threatened failure to allow the worker to be

(**7**) Article 34(1) was amended by Articles 23(1) and 158(1) of the 1996 Order.
(**8**) Article 44C was inserted by Article 7 of the Employment Relations (Northern Ireland) Order 1999 (NI 9).
(**9**) Schedule 1A was inserted by Articles 3(1) and (3) and Schedule 1 to the Employment Relations (Northern Ireland) Order 1999 (NI 9).
(**10**) 1998 c. 39.
(**11**) Article 112I was inserted by Article 15(2) of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)).
(**12**) 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).
(**13**) 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).
(**14**) Article 151(3) was amended by Article 32(2) of the Employment Relations (Northern Ireland) Order 1999 (NI 9).
(**15**) Article 180 was amended by the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002, Schedule 2, paragraph 2(14) and SR 2002 No.298.
(**16**) Article 13(1) was amended by Article 18(2) of the Employment Relations (Northern Ireland) Order 2004 (NI 19).