STATUTORY RULES OF NORTHERN IRELAND

2007 No. 22

EMPLOYMENT

Employment Rights (Increase of Limits) Order (Northern Ireland) 2007

Made - - - -	*12th January 2007*
Coming into operation	*4th February 2007*

The Department for Employment and Learning(**1**) makes the following Order in exercise of the powers conferred by Articles 33(1) to (4) 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 (Increase of Limits) Order (Northern Ireland) 2007 and shall come into operation on 4th February 2007.

(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**); and

(c) "the 1999 Order" means the Employment Relations (Northern Ireland) Order 1999.

Revocation

2. Subject to Article 4, the Employment Rights (Increase of Limits) Order (Northern Ireland) 2006(**6**) is revoked.

(**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)

(**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)

(**6**) S.R. 2006 No. 75

Increase of limits

3. Subject to Article 4, each of the limits referred to in the first and second columns of the Table in the Schedule to this Order is increased by the substitution, in place of the old amount specified in the third column, of the new amount specified in the fourth column.

Transitional provisions

4.—(1) The increases provided for in Article 3 have effect in any case where the appropriate date falls on or after 4th February 2007.

(2) In a case where the appropriate date falls before 4th February 2007, the limits having effect in relation to the case immediately before 4th February 2007 continue to apply as if this Order had not been made.

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

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

(c) 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 of that Order;

(d) in the case of a complaint presented under Article 77A of the 1996 Order(**9**) (inducements relating to union membership or activities) or under Article 77B of the 1996 Order(**10**) (inducements relating to collective bargaining), the date of the offer made by the employer that is the subject of the worker's complaint;

(e) 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;

(f) in the case of a complaint presented under paragraph 156 of Schedule 1A to the 1995 Order(**11**) (compensation for a detriment that is the termination of a worker's contract not constituting a contract of employment), the date of the termination;

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

(h) in the case of a complaint presented under Article 145 of the 1996 Order (complaints of unfair dismissal), for the purpose of calculating under Article 152 of that Order the basic award or compensatory award, the effective date of termination as defined by Article 129 of that Order;

(i) 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 of reinstatement (specified under Article 148(2)(c)

(**7**) As amended by Articles 23(1) and 158(1) of the Employment Rights (Northern Ireland) Order 1996
(**8**) Article 44C was inserted by Article 7 of the Employment Relations (Northern Ireland) Order 1999
(**9**) Article 77A was inserted by Article 14 of the Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (N.I. 19))
(**10**) Article 77B was inserted by Article 14 of the Employment Relations (Northern Ireland) Order 2004
(**11**) Schedule 1A was inserted by Articles 3(1) and (3) and Schedule 1 of the Employment Relations (Northern Ireland) Order 1999
(**12**) Article 151(3) was amended by the Employment Relations (Northern Ireland) Order 1999, Article 32(2)