STATUTORY RULES OF NORTHERN IRELAND

2005 No. 571 (C. 39)

EMPLOYMENT

The Employment Relations (2004 Order) (Commencement No. 4 and Transitional Provisions) Order (Northern Ireland) 2005

Made - - - - 16th December 2005

The Department for Employment and Learning makes the following Order in exercise of the powers conferred by Article 1(2) and (3) of the Employment Relations (Northern Ireland) Order 2004(**1**):

Citation

1. This Order may be cited as the Employment Relations (2004 Order) (Commencement No. 4 and Transitional Provisions) Order (Northern Ireland) 2005.

Interpretation

2. In this Order—

"the 2004 Order" means the Employment Relations (Northern Ireland) Order 2004;

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

"Schedule 1A" means Schedule 1A to the 1995 Order.

Appointed day

3. The day appointed for the coming into operation of the provisions of the 2004 Order specified in the Schedule is 8th January 2006.

Transitional provisions

4. The coming into operation of the provisions specified in the Schedule is subject to the transitional provisions in Articles 5 to 7.

5. The amendments made to Schedule 1A by paragraphs 9, 10, 13, 21(22) and 21(23) of Schedule 1 to the 2004 Order do not apply where the Industrial Court has informed the parties, in accordance with paragraph 25(9) or 117(11) of Schedule 1A, before the appointed day.

(**1**) S.I. 2004/3078 (N.I. 19)
(**2**) S.I. 1995/1980 (N.I. 12)

6. The amendments made to Article 105 of the 1995 Order by Article 5 of the 2004 Order do not apply where a trade union takes the steps referred to in the Article in relation to the notice mentioned in paragraph (1)(a) of Article 105 of the 1995 Order before the appointed day.

7. The amendments made to Article 118 of the 1995 Order by Article 8 of the 2004 Order do not apply where a trade union takes the steps referred to in the Article in relation to the notice mentioned in paragraph (1) of Article 118 of the 1995 Order before the appointed day.

Sealed with the Official Seal of the Department for Employment and Learning on 16th December 2005.

D.S.S. McAuley
A senior officer of the
Department for Employment and Learning

SCHEDULE Article 3

PROVISIONS OF THE EMPLOYMENT RELATIONS (NORTHERN IRELAND) ORDER 2004 COMING INTO OPERATION ON 8th JANUARY 2006

Provisions	*Subject matter of provisions*
Article 5	Information about employees to be balloted on industrial action
Article 8	Information about employees to be contained in notice of industrial action
Article 30(2) so far as it relates to the repeals specified in this Schedule.	Amendments and repeals
In Schedule 1 (Amendments to Schedule 1A to the 1995 Order)–	
(i) paragraph 9;	Additional duties on employers informed of ballots
(ii) paragraph 10;	Unfair practices in relation to recognition ballots
(iii) paragraph 13; and	Unfair practices in relation to derecognition ballots
(iv) paragraph 21(22) and 21(23) (which contain amendments connected with paragraph 13).	Minor and consequential amendments
In Schedule 3 (Repeals) the entries relating to Articles 105 and 118 of the 1995 Order and to paragraph 119(3) of Schedule 1A to that Order (which entries contain repeals connected with Articles 5 and 8 and paragraph 13 of Schedule 1 to the 2004 Order).	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 8th January 2006, Articles 5 and 8 and paragraphs 9, 10 and 13 of Schedule 1 to the Employment Relations (Northern Ireland) Order 2004 ("the 2004 Order").

This is the fourth commencement order made under the 2004 Order and it brings into operation the majority of the outstanding provisions which were not commenced by the three previous orders.

The Order brings into operation paragraphs 9, 10 and 13 of Schedule 1 to the 2004 Order. These provisions amend Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995 ("the 1995 Order").