STATUTORY RULES OF NORTHERN IRELAND

2005 No. 12

EMPLOYMENT

Employment Rights (Increase of Limits) Order (Northern Ireland) 2005

Made - - - -	*12th January 2005*
Coming into operation	*6th February 2005*

The Department for Employment and Learning(**1**) 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**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Increase of Limits) Order (Northern Ireland) 2005 and shall come into operation on 6th February 2005.

(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) 2004(**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. 2004 No. 64

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 6th February 2005.

(2) In a case where the appropriate date falls before 6th February 2005, the limits having effect in relation to the case immediately before 6th February 2005 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 made 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 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;

(e) 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;

(f) 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;

(g) in the case of an award under Article 151(1) or (3) of the 1996 Order, 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) of the 1996 Order) or, as the case may be, re-engagement (specified under Article 149(2)(f) of that Order) should have been complied with;

(h) 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;

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

(j) 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; and

(**7**) As amended by Articles 23(1) and 158(1) of the Employment Rights (Northern Ireland) Order 1996
(**8**) Article 44C was inserted by the Employment Relations (Northern Ireland) Order 1999, Article 7