STATUTORY RULES OF NORTHERN IRELAND

2004 No. 6

TERMS AND CONDITIONS OF EMPLOYMENT

Dismissal Procedures Agreement Designation 1981 (Revocation) Order (Northern Ireland) 2004

Made - - - -	*8th January 2004*
Coming into operation	*1st February 2004*

Whereas by the Dismissal Procedures Agreement (Northern Ireland) Designation of 1st July 1981 the Department of Manpower Services(**1**), acting under the powers conferred on it by Article 26(2) of the Industrial Relations (Northern Ireland) Order 1976(**2**), designated a dismissal procedures agreement entered into on 17th November 1980 between the constituent parties of the Joint Industry Board for the Electrical Contracting Industry;

And whereas the said Designation came into operation on 1st August 1981 and took effect on that day;

And whereas the Department for Employment and Learning is satisfied that the Agreement no longer satisfies all the conditions specified in Article 142(3) of the Employment Rights (Northern Ireland) Order 1996 and is required by Article 142(4) of that Order, if it is so satisfied, to revoke the said Designation(**3**);

Now, therefore, the Department for Employment and Learning, in exercise of the powers conferred by Article 142(4) and (5) and Article 251(6) of the Employment Rights (Northern Ireland) Order 1996 and now vested in it(**4**), hereby makes the following Order –

Citation and commencement

1. This Order may be cited as the Dismissal Procedures Agreement Designation 1981 (Revocation) Order (Northern Ireland) 2004 and shall come into operation on 1st February 2004.

(**1**) The Department of Manpower Services was renamed the Department of Economic Development by Article 3 of the Departments (No. 2) (Northern Ireland) Order 1982 (S.I. 1982 No. 846 (N.I. 11))

(**2**) S.I.1976/1043 (N.I. 16); the Industrial Relations (Northern Ireland) Order 1976 was repealed by Article 257(1) of and Schedule 3 to the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)): upon repeal of the Industrial Relations (Northern Ireland) Order 1976 the effect of the designation of the Dismissal Procedures Agreement (Northern Ireland) was preserved by Article 256 of and paragraph 2(1) of Schedule 2 to the Employment Rights (Northern Ireland) Order 1996

(**3**) Article 142 is to be read with paragraph 2(1) of Schedule 2 (Savings)

(**4**) Article 4(b) of and Part II of Schedule 2 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Employment Rights (Northern Ireland) Order 1996 from the Department of Economic Development to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning by Section 1(1) of the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15

Interpretation

2. In this Order –

"the Agreement" means the Dismissal Procedures Agreement (Northern Ireland) entered into on the 17th November 1980 between the Electrical Contractors' Association and the Electrical, Electronic, Telecommunication and Plumbing Union, designated in writing by the Department of Manpower Services on the 1st July 1981 under Article 26(2) of the Industrial Relations (Northern Ireland) Order 1976;

"the revocation date" means the date on which this Order comes into operation; and

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

Revocation

3. The designation by the Department of Manpower Services of the Agreement under Article 26(2) of the Industrial Relations (Northern Ireland) Order 1976 is hereby revoked.

Transitional provisions

4. A dismissed employee whose effective date of termination was before the revocation date and who –

(a) would have been able but for this order to make a complaint to the Regional Joint Industry Board under the terms of the Agreement on or after the revocation date, or

(b) made a complaint to the Regional Joint Industry Board in accordance with the terms of the Agreement before the revocation date which has not been determined by that date,

shall be entitled to present a complaint under Part XI of the Employment Rights (Northern Ireland) Order 1996 as if, for the purpose of Article 145(2) of the 1996 Order (and only for that purpose) the effective date of termination were the revocation date.

5. An employee –

(a) who was in employment to which the Agreement applied before the revocation date, and

(b) who is entitled to present a complaint under Part XI of the Employment Rights (Northern Ireland) Order 1996 by virtue of Article 4 or whose effective date of termination falls on or after the revocation date,

shall be treated, for the purpose of Article 140(1) of the 1996 Order(**5**) (and only for that purpose), as if he had been continuously employed at the effective date of termination for a period of at least one year.

(**5**) Article 140(1) was amended by S.R. 1999 No. 277, Article 4