STATUTORY RULES OF NORTHERN IRELAND

2002 No. 317 (C. 26)

EMPLOYMENT

Employment Relations (1999 Order) (Commencement No. 6 and Transitional Provisions) Order (Northern Ireland) 2002

Made - - - - 11th October 2002

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 1(2) 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 and interpretation

1.—(1) This Order may be cited as the Employment Relations (1999 Order) (Commencement No. 6 and Transitional Provisions) Order (Northern Ireland) 2002.

(2) In this Order –

"the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995(**4**);

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

Commencement

2. Article 6 of, and Schedule 3 to, the 1999 Order (ballots and notices) shall come into operation on 13th October 2002.

Transitional provisions

3.—(1) The amendments to Article 105 of the 1995 Order (made by paragraph 3 of Schedule 3 to the 1999 Order) shall apply in relation to a notice given pursuant to that Article where a trade union –

(a) takes the steps or any of the steps referred to in Article 105 of the 1995 Order in relation to the notice mentioned in paragraph (1)(a) of that Article after 12th October 2002; or

(**1**) Formerly known as the Department of Higher and Further Education, Training and Employment; renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15)
(**2**) S.I.1999/2790 (N.I. 9)
(**3**) Article 4(b) and Part II of Schedule 2 of the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Industrial Relations (Northern Ireland) Order 1992 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)

(b) takes the steps referred to in Article 105 of the 1995 Order in relation to that notice before 13th October 2002 and reasonably believes that the notice will be received by the employer after 12th October 2002.

(2) The amendments to Articles 110, 111 and 129, substitution of Article 109 and insertion of Articles 109A and 115B of the 1995 Order (made by paragraphs 5, 6, 7 and 9 of Schedule 3 to the 1999 Order) shall have effect in relation to all ballots in respect of which the notice required by Article 105 of the 1995 Order is subject to the amendments made to that Article by the 1999 Order.

(3) Subject to paragraph (4), the amendments to Articles 104, 108, 117, 118 and insertion of Article 115A of the 1995 Order (made by paragraphs 2, 4, 8, 10 and 11 of Schedule 3 to the 1999 Order) shall have effect only in relation to a ballot where the date of the ballot falls after 12th October 2002.

(4) Article 118 (7B) of the 1995 Order (inserted by paragraph 11 of Schedule 3 to the 1999 Order) shall have effect in relation to agreements concluded after 12th October 2002.

Sealed with the Official Seal of the Department for Employment and Learning on 11th October 2002.

R. B. Gamble
A senior officer of the
Department for Employment and Learning