STATUTORY RULES OF NORTHERN IRELAND

2000 No. 373 (C. 17)

EMPLOYMENT

Employment Relations (1999 Order) (Commencement No. 4 and Transitional Provisions) Order (Northern Ireland) 2000

Made - - - - 24th November 2000

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred by Articles 1(2) and 39(3) of the Employment Relations (Northern Ireland) Order 1999(**1**) and now vested in it(**2**), 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. 4 and Transitional Provisions) Order (Northern Ireland) 2000.

(2) In this Order—

"the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995(**3**);

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**4**);

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

Commencement

2. The following provisions of the 1999 Order shall come into operation on 8th March 2001—

(a) Article 3 and Schedule 1 (collective bargaining: recognition);

(b) Article 7 (Training);

(c) Article 8 (unfair dismissal connected with recognition: interim relief);

(d) Article 25 (proceedings of the Industrial Court).

(**1**) S.I. 1999/2790 (N.I. 9)
(**2**) 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
(**3**) S.I. 1995/1980 (N.I. 12)
(**4**) S.I. 1996/1919 (N.I. 16)

Transitional provisions

3.—(1) In Schedule 1A to the 1995 Order, which is inserted by Schedule 1 to the 1999 Order—

(a) paragraphs 156 to 160 (detriment) have effect in relation to an act or failure to act only where the act or failure takes place on or after 8th March 2001; and

(b) paragraphs 161 to 162 (dismissal to be regarded as unfair for the purposes of Part XI of the 1996 Order) have effect in relation to an employee's dismissal only where the effective date of termination (within the meaning of Article 129 of the 1996 Order) falls on or after 8th March 2001.

(2) For the purposes of paragraph (1)(*a*)—

(a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period; and

(b) a failure to act is to be treated as done when it was decided on.

(3) For the purposes of paragraph (2)(*b*) an employer shall be taken to decide on a failure to act—

(a) when he does an act inconsistent with doing the failed act, or

(b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.

4. The amendments to Part XI of the 1996 Order made by Article 8 of the 1999 Order have effect in relation to an employee's dismissal only where the effective date of termination (within the meaning of Article 129 of the 1996 Order) falls on or after 8th March 2001.

Sealed with the Official Seal of the Department of Higher and Further Education, Training and Employment on 24th November 2000.

L.S.

Seán Farren
Minister of Higher and Further Education,
Training and Employment