STATUTORY RULES OF NORTHERN IRELAND

1998 No. 130

TERMS AND CONDITIONS OF EMPLOYMENT

Employment Rights (Increase of Limits) Order (Northern Ireland) 1998

Made - - - -	*31st March 1998*
Coming into operation	*1st April 1998*

The Department of Economic Development, in exercise of the powers conferred on it by Article 23(2), 63(7), 154(2), 158(2), 159(7), 231(2), 251(2) and (3) of the Employment Rights (Northern Ireland) Order 1996 and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Employment Rights (Increase of Limits) Order (Northern Ireland) 1998 and shall come into operation on 1st April 1998.

Interpretation

2. In this Order—

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**1**);

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

Increase of limits

3. Subject to Article 4, each of the limits described in the first and second columns of the Table in the Schedule is increased by the substitution, in place of the old amount specified in the third column of that Table, of the new amount specified in the fourth column of that Table.

Transitional provisions

4.—(1) The increases provided for in Article 3 have effect in any case where the appropriate date falls on or after 1st April 1998.

(**1**) S.I.1996/1919 (N.I. 16)
(**2**) S.I. 1995/1980 (N.I. 12)

(2) In a case where the appropriate date falls before 1st April 1998, the limits having effect in relation to the case immediately before 1st April 1998 continue to apply.

(3) In this Article, "the appropriate date" means—

(a) in the case of an application made under Article 34 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 an application made under Article 40(2) of the 1995 Order (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the trade union;

(c) in the case of a complaint presented under Article 28 of the 1996 Order (refusal of employment on grounds related to union membership or refusal of service of employment agency on grounds related to trade union membership), the date as determined by that Article of the conduct to which the complaint relates;

(d) 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;

(e) 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, the compensatory award or the special award, the effective date of termination as defined by Article 129 of that Order;

(f) in the case of an award under Article 151(1) or (3) of the 1996 Order (failure to comply with an order under Article 147 of that Order), where an employer has—

(i) failed to comply fully with the terms of an order for reinstatement or re-engagement; or

(ii) 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 that Order) or, as the case may be, re-engagement (specified under Article 149(2)(*f*) of that Order) should have been complied with;

(g) 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;

(h) 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; and

(i) in the case of a complaint presented under Article 233(1) of the 1996 Order (payments by the Department), the appropriate date as defined by Article 230 of that Order.

Revocation

5. The Employment Protection (Increase of Limits) Order (Northern Ireland) 1995(**3**) is revoked.

(**3**) S.R. 1995 No. 342

Sealed with the Official Seal of the Department of Economic Development on

31st March 1998.

G. I. O'Doherty
Assistant Secretary