STATUTORY RULES OF NORTHERN IRELAND

1995 No. 354 (C. 7)

INDUSTRIAL RELATIONS

Trade Union and Labour Relations (1995 Order) (Commencement and Transitional Provisions) Order (Northern Ireland) 1995

Made - - - - 6th September 1995

The Department of Economic Development, in exercise of the powers conferred on it by Article 1(2) of and paragraph 1 of Schedule 3 to the Trade Union and Labour Relations (Northern Ireland) Order 1995(**1**) ("the Order of 1995") 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 Trade Union and Labour Relations (1995 Order) (Commencement and Transitional Provisions) Order (Northern Ireland) 1995.

(2) In this Order—

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

any reference to a numbered Article or Part is a reference to the Article or Part so numbered in the Order of 1995.

Commencement

2.—(1) Subject to paragraphs (2) and (3) the provisions of the Order of 1995 shall come into operation on 1st October 1995.

(2) The following provisions of the Order of 1995 shall come into operation on 1st April 1996—

(a) Article 140 (ballots: repeal of provisions for financial assistance and use of employers' premises);

(b) Article 150(4) and Schedule 4 (repeals) so far as that Article and that Schedule relate to Articles 101 to 103 of the Industrial Relations (Northern Ireland) Order 1992.

(3) The following provisions of the Order of 1995 shall come into operation on 30th August 1996—

(**1**) S.I.1995/1980 (N.I. 12)

(a) Article 35 (right not to suffer deduction of unauthorised or excessive subscriptions);

(b) Article 36 (complaint of infringement of rights);

(c) Article 150(3) as far as it relates to paragraph 3 of Schedule 3 (transitional provisions);

(d) Paragraph 3 of Schedule 3 (deduction of trade union subscriptions).

Transitional provisions

3.—(1) Article 4 (securing confidentiality of register during ballots) shall have effect in relation to a ballot of the members of a trade union on—

(a) an election under Part III for a position to which that Part applies held on or after 1st October 1995, other than an election in relation to which the scrutineer begins to carry out his functions before that date;

(b) a political resolution under Part V in which votes may only be cast on or after 1st October 1995;

(c) a resolution to approve an instrument of amalgamation or transfer under Part VI in which votes may only be cast on or after 1st October 1995.

(2) The provisions of Article 15 (appointment of independent scrutineer) Article 18 (counting of votes etc. by independent person) and Article 19 (scrutineer's report) shall apply to any election held on or after 1st October 1995, other than an election in relation to which the scrutineer begins to carry out his functions in relation to the election before that date.

(3) The amendments of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 made by Article 43 (action short of dismissal; non-infringing actions) shall have effect only in relation to action taken on or after 1st October 1995.

(4) Articles 48, 49, 52, 53, 75 to 81 and 106 to 117 shall have effect only in relation to ballots in which votes may only be cast on or after 1st October 1995.

(5) Article 105 (notice of ballot and sample voting paper for employers) shall have effect only in relation to ballots of which the opening day falls on or after 7th October 1995.

(6) (a) Article 118 (notice to employers of industrial action) shall have effect in relation to an act by a trade union to induce a person to take part, or continue to take part in industrial action if (in the case of continuous action) the intended date for any of the affected employees to begin to take part in the action, or (in the case of discontinuous action) the first of the dates for any of the affected employees to take part in the action, falls on or after 7th October 1995.

(b) Where Article 118 applies to such an act of inducement to take part, or continue to take part, in industrial action but Article 113 (employers to be informed of ballot result) is not in operation in relation to the ballot in respect of that industrial action, the appropriate period (as defined in Article 118(4)) shall be regarded as beginning—

(i) if the union satisfies the requirement of Article 112 (information as to result of ballot) in relation to the ballot on or after 1st October 1995 with the day on which it satisfies that requirement; or

(ii) if the union satisfies that requirement before 1st October 1995, on 1st October 1995.

(7) Where a subscription deduction is treated, by virtue of paragraph 3 of Schedule 3, as an authorised deduction for the purposes of Article 35 (right not to suffer deduction of unauthorised or excessive subscriptions) the amount of that deduction shall be treated, for the purposes of that article, as not exceeding the permitted amount.