1995 No. 342

INDUSTRIAL RELATIONS

Employment Protection (Increase of Limits) Order (Northern Ireland) 1995

Made . . . . . *31st August 1995*

Coming into operation . . . *27th September 1995*

The Department of Economic Development, in exercise of the powers conferred on it by paragraph 5(5)(**a**) of Schedule 3 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(**b**), Articles 34(7)(**c**), 35(5)(**d**), 37(2), 37A(7)(**e**), 70 and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(**f**), and Articles 5(5) and 63(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**g**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Employment Protection (Increase of Limits) Order (Northern Ireland) 1995 and shall come into operation on 27th September 1995.

Interpretation and increase of limits

2.—(1) In this Order—

"the Act of 1965" means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965;

"the No. 1 Order" means the Industrial Relations (Northern Ireland) Order 1976;

"the No. 2 Order" means the Industrial Relations (No. 2) (Northern Ireland) Order 1976;

"effective date of termination" has the same meaning as in Article 21(4) of the No. 1 Order except in a case in which Article 21(5) or (6)(**h**) of that Order would have effect so as to treat a later date as the effective date of termination in which case that later date shall be the effective date of termination for the purpose of this Order.

(**a**) Inserted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5, Part II, paragraph 39
(**b**) 1965 c. 19 (N.I.)
(**c**) Article 34 was substituted by S.I. 1993/2668 (N.I. 11) Article 6(3) and Schedule 3, Part III
(**d**) As amended by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4
(**e**) Article 37A was inserted by S.I. 1987/936 (N.I. 9) Article 7(3) and amended by S.I. 1993/2668 (N.I. 11) Article 18(2) and Schedule 6
(**f**) S.I. 1976/1043 (N.I. 16)
(**g**) S.I. 1976/2147 (N.I. 28)
(**h**) As substituted by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4

(2) Subject to Article 3, each limit specified in column 2 of the table in the Schedule is increased by the substitution of the new figure opposite thereto in column 3 for the old figure specified opposite thereto in column 4.

Supplementary and transitional provisions

3.—(1) The new figure specified in column 3 of the table in the Schedule opposite item 1 shall have effect—

(*a*) as respects a lay-off or a keeping on short-time where the relevant date (as defined in section 16(2) of the Act of 1965) falls on or after 27th September 1995; and

(*b*) as respects a dismissal where the relevant date (as defined in section 13(9)(**a**) (as modified by section 14) or, where applicable, section 13(10)(**a**) of the Act of 1965) falls on or after 27th September 1995.

(2) The new figure specified in column 3 of the table in the Schedule opposite item 2 shall have effect as respects an employer's failure to comply with an order for reinstatement or re-engagement where the date (specified under Article 31(3)(*c*) or, as the case may be, Article 31(5)(*f*) of the No. 1 Order) by which the order must be complied with falls on or after 27th September 1995.

(3) The new figure specified in column 3 of the table in the Schedule opposite item 3 shall have effect where the effective date of termination falls on or after 27th September 1995.

(4) The new figures respectively specified in column 3 of the table in the Schedule opposite items 2 and 3 shall likewise have effect where, in the case of a complaint presented under Article 29 of the Industrial Relations (Northern Ireland) Order 1992(**b**) (right not to be unreasonably excluded or expelled from trade union membership), the date of the refusal of the application for, or the expulsion from, membership of a trade union, as the case may be, falls on or after 27th September 1995.

(5) The new figure specified in column 3 of the table in the Schedule opposite item 4 shall have effect where the relevant date (as defined in Article 42(2)(**c**) of the No. 1 Order) falls on or after 27th September 1995.

(6) The new figure specified in column 3 of the table in the Schedule opposite item 5 shall have effect as respects any day in respect of which an employee becomes entitled to a guarantee payment on or after 27th September 1995.

(7) Except as provided by paragraphs (1) to (6) the limits having effect under the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1992(**d**) shall continue to apply as if this Order had not been made.

(8) The new figures respectively specified in column 3 of the table in the Schedule opposite items 6 to 10 shall have effect in relation to any case where the effective date of termination falls on or after 27th September 1995.

(**a**) Section 13 was substituted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5, Part II, paragraph 15

(**b**) S.I. 1992/807 (N.I. 5)

(**c**) As substituted by S.I. 1989/2405 (N.I. 19) Article 380(3)

(**d**) S.R. 1992 No. 75

(9) Notwithstanding the revocation of the Unfair Dismissal (Increase of Compensation Limit) Order (Northern Ireland) Order 1993(**a**), the limit set or, as the case may be, preserved by Articles 3 and 5 of that Order shall continue to have effect as if this Order had not been made in any case where the effective date of termination falls before 27th September 1995.

(10) Notwithstanding the revocation of the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) Order 1992(**b**), the limit set or, as the case may be, preserved by Articles 3 and 5 of that Order shall continue to have effect as if this Order had not been made in any case where the effective date of termination falls before 27th September 1995.

Revocations

4.—(1) Subject to Article 3(7), the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1992(**c**) is hereby revoked.

(2) Subject to Article 3(10), the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) 1992(**d**) is hereby revoked.

(3) Subject to Article 3(9), the Unfair Dismissal (Increase of Compensation Limit) Order (Northern Ireland) 1993(**e**) is hereby revoked.

Sealed with the Official Seal of the Department of Economic Development on 31st August 1995.

(L.S.) *D. Gibson*

Under Secretary

(**a**) S.R. 1993 No. 254
(**b**) S.R. 1992 No. 76
(**c**) S.R. 1992 No. 75
(**d**) S.R. 1992 No. 76
(**e**) S.R. 1993 No. 254