1994 No. 308

INDUSTRIAL RELATIONS

Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994

Made . . . . . *4th August 1994*

Coming into operation . . *18th September 1994*

To be laid before Parliament

In exercise of the powers conferred on me by Articles 57(1), (4A) and (5) and 63(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**a**) and of every other power enabling me in that behalf, I hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994 and shall come into operation on 18th September 1994.

(2) In this Order—

"contract claim" means a claim in respect of which proceedings may be brought before an industrial tribunal by virtue of Article 3 or 4;

"the effective date of termination" shall be construed in accordance with Article 21(4) of the No. 1 Order(**b**);

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

Transitional provision

2. Proceedings in respect of a contract claim shall not be brought before an industrial tribunal unless—

(*a*) the effective date of termination in respect of the contract giving rise to the claim; or

(*b*) where there is no effective date of termination, the last day upon which the employee works in the employment which has terminated,

occurs on or after 18th September 1994.

(**a**) S.I. 1976/2147 (N.I. 28); Article 57 was amended by S.I. 1993/2668 (N.I. 11) Article 15

(**b**) S.I. 1976/1043 (N.I. 16) to which there are amendments not relevant to the subject matter of this Order

Extension of jurisdiction

3. Proceedings may be brought before an industrial tribunal in respect of a claim of an employee for the recovery of damages or any other sum (other than a claim for damages, or for a sum due, in respect of personal injuries) if—

(*a*) the claim is one to which Article 57(2) of the No. 2 Order applies and in respect of which a court in Northern Ireland would under the law for the time being in force have jurisdiction to hear and determine an action;

(*b*) the claim is not one to which Article 5 applies; and

(*c*) the claim arises or is outstanding on the termination of the employee's employment.

4. Proceedings may be brought before an industrial tribunal in respect of a claim of an employer for the recovery of damages or any other sum (other than a claim for damages, or for a sum due, in respect of personal injuries) if—

(*a*) the claim is one to which Article 57(2) of the No. 2 Order applies and in respect of which a court in Northern Ireland would under the law for the time being in force have jurisdiction to hear and determine an action;

(*b*) the claim is not one to which Article 5 applies;

(*c*) the claim arises or is outstanding on the termination of the employment of the employee against whom it is made; and

(*d*) proceedings in respect of a claim of that employee have been brought before an industrial tribunal by virtue of this Order.

5.—(1) This Article applies to a claim for breach of a contractual term of any of the following descriptions—

(*a*) a term requiring the employer to provide living accommodation for the employee;

(*b*) a term imposing an obligation on the employer or the employee in connection with the provision of living accommodation;

(*c*) a term relating to intellectual property;

(*d*) a term imposing an obligation of confidence;

(*e*) a term which is a covenant in restraint of trade.

(2) In this Article, ''intellectual property'' includes copyright, rights in performances, moral rights, design right, registered designs, patents and trade marks.

Manner in which proceedings may be brought

6. Proceedings on a contract claim may be brought before an industrial tribunal by presenting a complaint to an industrial tribunal.