
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 160

EMPLOYMENT

The Code of Practice (Disciplinary and Grievance Procedures) (Appointed Day) Order (Northern Ireland) 2011

Made - - - - 24th March 2011

Whereas—

(1) under Article 90(9) of the Industrial Relations (Northern Ireland) Order 1992⁽¹⁾ (“the 1992 Order”) the Agency may from time to time revise the whole or any part of a Code of Practice issued by it;

(2) in pursuance of Article 90(9) of the 1992 Order the Agency proposed to revise the whole of the Code of Practice on Disciplinary and Grievance Procedures which came into effect on 3rd April 2005;

(3) in pursuance of Article 90(3) of the 1992 Order the Agency prepared and published in draft a revised Code of Practice on Disciplinary and Grievance Procedures (“the draft Code”) and considered any representations made to it about the draft Code, and modified it accordingly;

(4) in pursuance of article 90(4) of the 1992 Order the Agency transmitted the draft Code to the Department for Employment and Learning;

(5) in pursuance of article 90(4)(a) of the 1992 Order the Department for Employment and Learning⁽²⁾ approved the draft Code and laid it before the Assembly, and the statutory period beginning on the day the draft Code was laid before the Assembly, has elapsed;

(6) in pursuance of article 90(7) of the 1992 Order, the Assembly having passed no resolution under Article 90(6) that no further proceedings shall be taken on the draft Code, the Agency is issuing the Code of Practice on Disciplinary and Grievance Procedures in the form of the draft Code;

The Department for Employment and Learning makes the following Order in exercise of the powers conferred by Articles 90(7) and (17) and 107(3) of the Industrial Relations (Northern Ireland) Order 1992(), now vested in it⁽³⁾.

Citation

1. This Order may be cited as the Code of Practice (Disciplinary and Grievance Procedures) (Appointed Day) Order (Northern Ireland) 2011.

(1) S.I. 1992/807 (N.I. 5); Article 90 was amended by S.I. 1996/1919 (N.I. 16), S.I. 2003/2902 (N.I. 15) and S.I. 2005/3424 (N.I. 20)
(2) Formerly the Department for Higher Education, Training and Employment; *see* 2001 c.15 (N.I.)
(3) *See* S.R. 1999 No. 481

Appointed day for the Code of Practice

2. Subject to Article 3, the Department for Employment and Learning hereby appoints 3rd April 2011 as the day on which there shall come into effect the Code of Practice on Disciplinary and Grievance Procedures, a draft of which was issued by the Agency on 15th March 2011 under Article 90(1) and (7) of the Industrial Relations (Northern Ireland) Order 1992.

Transitional provision

3. The Code of Practice on Disciplinary and Grievance Procedures referred to in Article 2 will not have effect in circumstances where the amendments and repeals referred to in paragraph 1 of Part 1 of the Schedule to the Employment Act (Northern Ireland) 2011 (Commencement No. 1, Transitional Provisions and Savings) Order (Northern Ireland) 2011(4) do not apply (in accordance with paragraph 2 of Part 1 of that Schedule).

Sealed with the Official Seal of the Department for Employment and Learning on 24th March 2011.



Danny Kennedy
Minister for Employment and Learning

(4) See S.R. 2011 No. 159 (C. 8)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 3rd April 2011 as the day upon which the Code of Practice on Disciplinary and Grievance Procedures, issued in draft on 15th March 2011 by the Labour Relations Agency (LRA) under Articles 90(7) and (17) and 107(3) of the Industrial Relations (Northern Ireland) Order 1992, will come into effect. Article 3 provides that the LRA Code does not apply in circumstances where the statutory workplace grievance procedures apply. The repeal of statutory grievance procedures is subject to the transitional arrangements in the Employment Act (Northern Ireland) 2011 (Commencement No. 1, Transitional Provisions and Savings) Order (Northern Ireland) 2011 (S.R. 2011 No. 159 (C. 8)).

The Code of Practice replaces the Code of Practice on Disciplinary and Grievance Procedures which came into effect on 3rd April 2005 by virtue of the Code of Practice (Disciplinary and Grievance Procedures) (Appointed Day) Order (Northern Ireland) 2005 (S.R. 2005 No. 152). The revisions to the Code were carried out by the LRA under powers provided in Article 90(9) of the Industrial Relations (Northern Ireland) Order 1992. The Code was laid before the Assembly on 18th February 2011 in accordance with Article 90(6) of the Order.

A separate impact assessment has not been prepared for the LRA Code because it is part of a package of legislative and non-legislative measures relating to the new workplace dispute resolution framework. An impact assessment was prepared in relation to the package as a whole. Please refer to the Department for Employment and Learning's website www.delni.gov.uk or contact the Department directly for more information.