
Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

1992 No. 807 (N.I. 5)

The Industrial Relations (Northern Ireland) Order 1992 ^{F1}

- - - - 16th March 1992

THE INDUSTRIAL RELATIONS (NORTHERN IRELAND) ORDER 1992

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

DEFINITION, STATUS AND GENERAL REGULATION OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

Definition and status

3. Definition and status of trade union
4. Definition and status of employers' association

Listing and certification

5. Lists of trade unions and employers' associations
6. Certification as independent trade union

Property

7. Property of trade unions and unincorporated employers' associations
8. Use of trade union funds for indemnifying unlawful conduct
9. Remedy against trustees of trade union for unlawful use of property

Records and returns

10. Duty to keep accounting records
11. Duties as to annual returns, auditors and members' superannuation schemes
- 11A. Statement to members following annual return
12. Returns, etc., by trade unions and employers' associations outside Northern Ireland

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Investigation of financial affairs

- 12A Power of Certification Officer to require production of documents etc.
- 12B Investigations by inspectors
- 12C Inspectors' reports etc.
- 12D Expenses of investigations
- 12E Articles 12A and 12B: supplementary
- 13. Offences
- 13A Penalties and prosecution time limits
- 13B Duty to secure positions not held by certain offenders
- 13C Remedies and enforcement

Application of existing statutory provisions

- 14. Application of existing statutory provisions

PART III

RESTRICTIONS ON LEGAL LIABILITY AND LEGAL PROCEEDINGS

Restrictions on legal liability

Arts. 15#20 rep. by 1995 NI 12

Legal proceedings involving trade unions and employers' associations

- 21. Liability of trade union in certain proceedings in tort
- 21A Repudiation by union of certain acts
- 22. Limit on damages awarded against trade unions in actions in tort
- 23. Recovery of sums awarded in proceedings involving trade unions and employers' associations

Restrictions on powers of court

Arts. 24, 25 rep. by 1995 NI 12

Enforceability of collective agreements

- 26. Enforceability of collective agreements

Union membership or recognition requirements in contracts

- 27. Prohibition on union membership requirements
- 28. Prohibition on union recognition requirements

PART IV

RIGHTS OF TRADE UNION MEMBERS

Arts 29#36 rep. by 1995 NI 12

- 37. Right to inspect union's accounting records
- Art. 38 rep. by 1995 NI 12

PART V

DISCLOSURE OF INFORMATION

- 39. General duty of employers to disclose information
- 40. Restrictions on general duty under Article 39

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 41. Complaint of failure to disclose information
- 42. Further complaint arising from failure to disclose information
- 43. Determination of claim and award

Parts VI–VIII rep. by 1995 NI 12

PART IX

THE CERTIFICATION OFFICER AND THE COMMISSIONER FOR THE RIGHTS OF TRADE UNION MEMBERS

The Certification Officer for Northern Ireland

- 69. The Certification Officer for Northern Ireland
- 70. Procedure before, and appeals from, Certification Officer
- 70ZA Striking Out
- 70A Vexatious litigants
- 70B Vexatious litigants: applications disregarded
- Arts. 71—73 rep. by 1995 NI 12

Part X rep. by 1995 NI 12

PART XI

MACHINERY FOR PROMOTING IMPROVEMENT OF INDUSTRIAL RELATIONS

The Labour Relations Agency

- 82. Constitution of the Labour Relations Agency
- 83. General function of the Agency
- 84. Functions of the Agency in relation to trade disputes
- 84AA Information required by the Agency for purposes of settling recognition disputes
- 84A Arbitration scheme for unfair dismissal cases etc.
- 84B Dismissal procedures agreements
- 85. Notification of procedural agreements
- 86. Review of collective bargaining arrangements
- 87. Industrial relations training
- 88. Industrial relations research
- 89. Advice
- 90. Codes of Practice
- 90AA Effect of failure to comply with Code: adjustment of awards
- 90A Fees for exercise of functions by the Agency

The Industrial Court

- 91. The Industrial Court
- 91A The members of the Court
- 92. Proceedings of the Court
- 92A Proceedings of the Court under Schedule 1A to the Trade Union and Labour Relations Order

Courts of inquiry

- 93. Court of inquiry into trade dispute

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

94. Procedure of court of inquiry

Issue by Department of Codes of Practice

95. Issue by Department of Codes of Practice

Meaning of “trade dispute” in Part XI

96. Meaning of “trade dispute” in Part XI

PART XII

MISCELLANEOUS AND SUPPLEMENTARY

- Art. 97 rep. by 1993 NI 11
- Arts. 98, 99 rep. by 1996 NI 16
- Art. 100 rep. by 1996 NI 18
- Art. 101 rep. by 1995 NI 12
- Art. 102 rep. with saving by 1995 NI 12
- Art. 103 rep. by 1995 NI 12

Nominations by members of trade union

104. Nominations by members of trade union

Crown employees and contracts, etc.

105. Crown employees and contracts, etc.

Restrictions on contracting out

- 105A. Restrictions on contracting out
Art. 106 rep. by 1998 NI 21

Supplementary

107. Orders and regulations
Art. 108 rep. by 1996 NI 16

SCHEDULES

SCHEDULE 1 — ADMINISTRATIVE PROVISIONS RELATING TO TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

PART I — ANNUAL RETURNS, AND QUALIFICATIONS, APPOINTMENT AND REMOVAL, AND FUNCTIONS, OF AUDITORS

Annual returns

1. (1) Subject to paragraph 5, the annual return of a trade union or an employers'...
2. Every annual return shall contain— (a) revenue accounts indicating the income and expenditure of the...
3. Every revenue account, every balance sheet and every other account contained in a return in...

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4. Every return, in addition to containing the accounts mentioned in paragraph 2 shall contain a...
- 4A (1) Every annual return of a trade union shall contain— (a) details of the salary...
5. The Certification Officer, if in any particular case he considers it appropriate to do so,—...

Qualifications of auditors

This div-1 has a number but no title; creating a P1 group with an empty Title

9. (1) Two or more persons who are not qualified under paragraph 6 may act as...
10. (1) None of the following persons shall act as auditor of a trade union or...

Appointment and removal of auditors

11. The rules of every trade union and every employers' association shall contain provision for the...
12. Notwithstanding anything in the rules of a trade union or employers' association, its auditor or...
13. (1) Notwithstanding anything in the rules of a trade union or employers' association, a qualified...
14. Regulations may make provision as to the procedure to be followed when it is intended...
15. (1) Where any regulations made under paragraph 14 require copies of any representations made by...

Auditor's right of access to books and information and right to be heard at meetings

16. Every auditor of a trade union or an employers' association— (a) shall have a right...
17. (1) Every auditor of a trade union or an employers' association shall be entitled— (a)...

Auditor's reports

18. The auditor or auditors of a trade union or an employers' association shall make a...
- 18A (1) The report shall state the names of, and be signed by, the auditor or...
19. The report shall state whether, in the opinion of the auditor or auditors, those accounts...
20. It shall be the duty of the auditor or auditors, in preparing a report under...
21. If an auditor fails to obtain all the information and explanations which, to the best...
22. In this Part “accounting period”, in relation to a trade union or an employers' association,...

PART II — MEMBERS' SUPERANNUATION SCHEMES

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Examination of superannuation schemes

23. Subject to paragraphs 29 to 31, every trade union and every employers' association which at...
24. Where a members' superannuation scheme to which paragraph 23 applies includes provision for the maintenance...
25. The report made by the actuary on the results of this examination of any such...
26. A copy of any report made by an actuary under paragraph 23 signed by the...
27. Subject to paragraphs 30 and 31, no trade union or employers' association shall after the...
28. A copy of any report made to a trade union or employers' association under paragraph...
29. Where on the application of a trade union or employers' association the Certification Officer is...
30. The Certification Officer, on the application of a trade union or employers' association, may exempt...
31. The Certification Officer may at any time revoke any exemption granted under paragraph 30 if...

Periodical re-examination of schemes

32. (1) Subject to paragraph 34, where a trade union or employers' association for the time...
33. The provisions of paragraphs 24 to 26 and paragraph 28 shall have effect in relation...
34. The Certification Officer, on the application of a trade union or employers' association, may exempt...
35. The Certification Officer may at any time revoke any exemption granted under paragraph 34 if...

Separate fund for members' superannuation scheme

36. After the appointed day no trade union or employers' association shall maintain a members' superannuation...
37. After the end of the period of five years beginning with the date on which...

Interpretation of Part II

38. In this Part— (a) “members' superannuation scheme” means any scheme or arrangement made by or...

— Schedules 2–3 rep. by 1995 NI 12

SCHEDULE 4 — THE LABOUR RELATIONS AGENCY PART I — THE CONSTITUTION OF THE AGENCY

1. The Agency shall be a body corporate to which section 19 of the Interpretation Act...
This div-1 has a number but no title; creating a P1group with an empty Title

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

3. (1) A member of the Agency shall hold and vacate his office in accordance with...
 4. The Head of the Department may, by notice in writing addressed to a member, terminate...
 5. The proceedings of the Agency shall not be invalidated by any vacancy in the membership...
 6. The Agency shall not be regarded as the servant or agent of the Crown or...
- PART II — SUPPLEMENTARY PROVISIONS AS TO THE AGENCY

Members

7. The Agency may pay, or make such payments towards the provision of, such remuneration, allowances...
8. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 the...

Panel of advisers

9. (1) The Agency may appoint a panel of persons, who are not members of the...

The seal

10. The fixing of the common seal of the Agency shall be authenticated by the signature...

Execution of contracts and instruments not under seal

11. Any contract or instrument which, if entered into or executed by an individual, would not...

Staff

12. The number of persons employed by the Agency and the terms and conditions of employment...
13. The Agency may, in the case of such persons employed by it as may be...

Financial provision

14. For the purpose of enabling the Agency to carry out its functions, the Department shall...

Accounts and audit

15. (1) The Agency shall— (a) keep proper accounts and proper records in relation to the...

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Reports

16. (1) The Agency shall, as soon as possible within a period of three months after...

SCHEDULE 4A — TRIBUNAL JURISDICTIONS TO WHICH ARTICLE 90AA APPLIES

Section 2 of the Equal Pay Act (Northern Ireland) 1970 (c. 32) (equality clauses) Article...

— Schedules 5–6 rep. by 1996 NI 16

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

The Industrial Relations (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.