

STATUTORY INSTRUMENTS

1993 No. 2668

The Industrial Relations (Northern Ireland) Order 1993

Right to declaration of invalidity of discriminatory terms and rules

11. In Article 77A of the Sex Discrimination (Northern Ireland) Order 1976^{F1} (application of Article 77 to certain terms and rules), after paragraph (4) there shall be inserted—

“(4A) A person to whom this paragraph applies may present a complaint to an industrial tribunal that a term or rule is void by virtue of paragraph (1) of Article 77 if he has reason to believe—

- (a) that the term or rule may at some future time have effect in relation to him; and
- (b) where he alleges that it is void by virtue of sub-paragraph (c) of that paragraph, that—
 - (i) an act for the doing of which it provides may at some such time be done in relation to him; and
 - (ii) the act would be, or be deemed by virtue of paragraph (3) to be, rendered unlawful by this Order if done in relation to him in present circumstances.

(4B) In the case of a complaint about—

- (a) a term of a collective agreement made by or on behalf of—
 - (i) an employer;
 - (ii) an organisation of employers of which an employer is a member; or
 - (iii) an association of such organisations of one of which an employer is a member; or
- (b) a rule made by an employer,

paragraph (4A) applies to any person who is, or is genuinely and actively seeking to become, one of his employees.

(4C) In the case of a complaint about a rule made by an organisation, authority or body to which paragraph (2) applies, paragraph (4A) applies to any person—

- (a) who is, or is genuinely and actively seeking to become, a member of the organisation, authority or body;
- (b) on whom the organisation, authority or body has conferred an authorisation or qualification; or
- (c) who is genuinely and actively seeking an authorisation or qualification which the organisation, authority or body has power to confer.

(4D) When an industrial tribunal finds that a complaint presented to it under paragraph (4A) is well-founded the tribunal shall make an order declaring that the term or rule is void.”

Status: Point in time view as at 01/01/2006.

Changes to legislation: The Industrial Relations (Northern Ireland) Order 1993 is up to date with all changes known to be in force on or before 14 September 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)

Arts. 12, 13 rep. with saving by 1996 NI 16

Arts 14, 15 rep. with saving by 1996 NI 18

Agreements not to take proceedings before industrial tribunals

Paras.(1)#(3) rep. with saving by 1996 NI 16

(4) Schedule 4 shall have effect for making corresponding amendments in the Sex Discrimination (Northern Ireland) Order 1976^{F2}, ^{F3} ... and the Industrial Relations (Northern Ireland) Order 1992^{F4}.

F2	1976 NI 15
F3	rep. with savings by 1996 NI 16
F4	1992 NI 5

Art. 17 rep. with saving by 1996 NI 18

Status:

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