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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

**PART XVI**

**GENERAL AND SUPPLEMENTARY**

*General*

**Orders and regulations**

**251.**—(1) [<sup>F1</sup>Subject to paragraph (1A),] all regulations under this Order shall be subject to negative resolution.

[<sup>F1</sup>(1A) Regulations under Article 70C, 103, 104, 105, [<sup>F2</sup> 107A, 107B,] [<sup>F3</sup> 107E, 107F(16), 107G, 107I(16), 107J(1) or (2),] 108 [<sup>F2</sup> [<sup>F4</sup>, [<sup>F5</sup> 112A, 112B, 112BAA, 112G]],] or 131 shall—

- (a) be laid before the Assembly as soon as may be after they are made;
- (b) come into operation on such date as may be specified therein; and
- (c) cease to have effect on the expiration of a period of six months from the date on which they came into operation unless, before the expiration of that period, they are approved by a resolution of the Assembly.]

(2) An order to which this paragraph applies shall—

- (a) be laid before the Assembly as soon as may be after it is made;
- (b) come into operation on such date as may be specified therein; and
- (c) cease to have effect on the expiration of a period of six months from the date on which it came into operation unless, before the expiration of that period, it is approved by a resolution of the Assembly.

(3) Paragraph (2) applies to—

- (a) an order under Article<sup>F1</sup> . . . 63(7) [<sup>F6</sup>, 92A(11)],<sup>F1</sup> . . . <sup>F1</sup> . . . or 237(3);
- (b) an order under Article 250, other than an order under paragraph (1)(b) of that Article which specifies only provisions contained in Part XII.

(4) Subject to [<sup>F7</sup>paragraphs (5) and (5A)] all other orders made by the Department under this Order shall be subject to negative resolution.

(5) Paragraph (4) does not apply to—

- (a) an order under Article 67; or
- (b) an order under Part II of Schedule 2.

[<sup>F8</sup>(c) an order under Article 85ZS(6) or 107AB(4);]

[<sup>F9</sup>(5A) An order under Article 85ZS(6) or 107AB(4) shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.]

**Status:** Point in time view as at 03/01/2019.

**Changes to legislation:** The Employment Rights (Northern Ireland) Order 1996, PART XVI is up to date with all changes known to be in force on or before 08 July 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)

(6) Regulations and orders under this Order may contain incidental, supplementary and transitional provisions.

<b>F1</b>	1999 NI 9
<b>F2</b>	2002 NI 2
<b>F3</b>	Words in art. 251(1A) inserted (15.3.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1), ss. 2(3), 23(1)</a> ; S.R. 2015/86, art. 3(1)(b)
<b>F4</b>	Words in art. 251(1A) substituted (9.9.2010) by <a href="#">Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16))</a> , arts. 1(3), 13(1), <b>Sch. 1 para. 42</b> ; S.R. 2010/295, <b>art. 2(b)(c)</b>
<b>F5</b>	Words in art. 251(1A) substituted (5.4.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(19)(a)</a> ; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
<b>F6</b>	2003 NI 15
<b>F7</b>	Words in art. 251(4) substituted (15.3.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(19)(b)</a> ; S.R. 2015/86, art. 3(2)(d)
<b>F8</b>	Art. 251(5)(c) inserted (15.3.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(19)(c)</a> ; S.R. 2015/86, art. 3(2)(d)
<b>F9</b>	Art. 251(5A) inserted (15.3.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), Sch. 1 para. 4(19)(d)</a> ; S.R. 2015/86, art. 3(2)(d)

### Financial provisions

**252.** There shall be paid out of the Northern Ireland National Insurance Fund into the Consolidated Fund sums equal to the amount of—

- (a) any expenses incurred by the Department in consequence of Part XII, and
- (b) any expenses incurred by the Department (or by persons acting on its behalf in exercising its functions under Part XIV.

### *Reciprocal arrangements*

#### **Reciprocal arrangements with Great Britain**

**253.**—(1) The Department shall be the appropriate Northern Ireland authority for the purposes of section 238 of the Employment Rights Act 1996 (“the Act of 1996”).

(2) Accordingly, the Department may, with the consent of the Department of Finance and Personnel, make reciprocal arrangements with the Secretary of State for co-ordinating the relevant provisions of this Order with the corresponding provisions of the Act of 1996 so as to ensure that they operate, to such extent as may be provided by the arrangements, as a single system.

(3) In this Article “the relevant provisions of this Order” means the provisions of this Order which correspond to the provisions of the Act of 1996 which are not excepted provisions as defined in section 238(2) of that Act.

(4) The Department may make regulations for giving effect to any arrangements made under this Article.

(5) Such regulations may provide that the relevant provisions of this Order have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—

- (a) for securing that acts, omissions and events having any effect for the purposes of the Act of 1996 have a corresponding effect for the purposes of this Order (but not so as to confer a right to double payment in respect of the same act, omission or event), and

- (b) for determining, in cases where rights accrue both under this Order and under the Act of 1996, which of those rights is available to the person concerned.

### **Reciprocal arrangements with Isle of Man**

**254.**—(1) If an Act of Tynwald is passed for purposes similar to the purposes of Part XII, the Department may, with the consent of the Department of Finance and Personnel, make reciprocal arrangements with the appropriate Isle of Man authority for co-ordinating the provisions of that Part with the corresponding provisions of the Act of Tynwald so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.

(2) For the purposes of giving effect to any arrangements made under paragraph (1) the Department may, in conjunction with the appropriate Isle of Man authority, make any necessary financial adjustments between the Northern Ireland National Insurance Fund and any fund established under the Act of Tynwald.

(3) The Department may make regulations for giving effect to any arrangements made under paragraph (1).

(4) Regulations under paragraph (3) may provide that Part XII has effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—

- (a) for securing that acts, omissions and events having any effect for the purposes of the Act of Tynwald have a corresponding effect for the purposes of Part XII (but not so as to confer a right to double payment in respect of the same act, omission or event), and
- (b) for determining, in cases where rights accrue both under this Order and under the Act of Tynwald, which of those rights is available to the person concerned.

(5) In this Article “the appropriate Isle of Man authority” means such authority as may be specified in an Act of Tynwald.

### *Final provisions*

#### *Article 255—Amendments*

### **Transitionals, savings and transitory provisions**

**256.** Schedule 2 (transitional provisions, savings and transitory provisions) shall have effect.

### **Repeals and revocations**

#### *Para. (1)—Repeals*

(2) The following statutory provisions are revoked—

- (a) the Insolvency of Employers (Excluded Classes) Regulations (Northern Ireland) 1983;
- (b) the Employment Protection (Part-time Employees) Regulations (Northern Ireland) 1995;
- (c) the Collective Redundancies and Transfer of Undertakings (Amendment) Regulations (Northern Ireland) 1995.

**Status:**

Point in time view as at 03/01/2019.

**Changes to legislation:**

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