

STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XVI

GENERAL AND SUPPLEMENTARY

General

Orders and regulations

251.—(1) [^{F1}Subject to [^{F2}paragraphs (1A), (1B) and (7)] ,] all regulations under this Order shall be subject to negative resolution.

[^{F1}(1A) Regulations under Article 70C, 103, 104, 105, [^{F3} 107A, 107B,] [^{F4}107E, 107F(16), 107G, 107I(16), 107J(1) or (2),] 108 [^{F3} [^{F5}, [^{F6}112A, 112B, 112BAA, [^{F7}112EA,] 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.]

[^{F8}(1B) Subject to paragraph (1C), regulations under Article 59A or 67FA [^{F9}, and the first regulations under Article 112EF,] shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(1C) Paragraph (1B) does not apply to regulations under Article 67FA that contain only the provision mentioned in Article 67FA(2), (3) or (4).]

(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^{F1} . . . 63(7) [^{F10}, 92A(11)],^{F1} . . . ^{F1} . . . 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 [^{F11} or an order under paragraph (1)(c) of that Article which falls within paragraph (5A)].

(4) Subject to [^{F12}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—

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- (a) an order under Article 67; or
- (b) an order under Part II of Schedule 2.
- [^{F13}(c) an order under Article 85ZS(6) or 107AB(4);]
- [^{F14}(5A) An order [^{F15}to which this paragraph applies] shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.]
- [^{F16}(5B) Paragraph (5A) applies to—

 - (a) an order under Article 67K(4), 85ZS(6) or 107AB(4);
 - (b) an order under Article 250(1)(c) which varies or excludes the operation of Article 124(3) or 140(1).]

- (6) Regulations and orders under this Order may contain incidental, supplementary and transitional provisions.
- [^{F17}(7) Regulations to which this paragraph applies shall not be subject to negative resolution but shall be subject to the confirmatory procedure.
- (8) Paragraph (7) applies to regulations under this Order which—

 - (a) but for that paragraph would be subject to negative resolution; and
 - (b) are contained in a statutory rule which includes regulations subject to the confirmatory procedure.

- (9) In this Article “the confirmatory procedure” means the procedure described in paragraph (1A).]

- F1** 1999 NI 9
- F2** Words in art. 251(1) substituted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(2)**, 29(2); S.R. 2021/253, art. 2(f)
- F3** 2002 NI 2
- F4** Words in art. 251(1A) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), **ss. 2(3)**, 23(1); S.R. 2015/86, art. 3(1)(b)
- F5** Words in art. 251(1A) substituted (9.9.2010) by Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)), arts. 1(3), 13(1), **Sch. 1 para. 42**; S.R. 2010/295, **art. 2(b)(c)**
- F6** Words in art. 251(1A) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(a)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F7** Word in art. 251(1A) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 24(2)**; S.R. 2022/136, arts. 2, 3
- F8** Art. 251(1B)(1C) inserted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(3)**, 29(2); S.R. 2021/253, art. 2(f)
- F9** Words in art. 251(1B) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 24(3)**; S.R. 2022/136, arts. 2, 3
- F10** 2003 NI 15
- F11** Words in art. 251(3)(b) added (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(4)**, 29(2); S.R. 2021/253, art. 2(f)
- F12** Words in art. 251(4) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(b)**; S.R. 2015/86, art. 3(2)(d)
- F13** Art. 251(5)(c) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(c)**; S.R. 2015/86, art. 3(2)(d)
- F14** Art. 251(5A) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(d)**; S.R. 2015/86, art. 3(2)(d)
- F15** Words in art. 251(5A) substituted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(5)**, 29(2); S.R. 2021/253, art. 2(f)

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- F16** Art. 251(5B) inserted (20.9.2021) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), ss. 24\(6\), 29\(2\); S.R. 2021/253, art. 2\(f\)](#)
- F17** Art. 251(7)-(9) added (20.9.2021) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), ss. 24\(7\), 29\(2\); S.R. 2021/253, art. 2\(f\)](#)

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.

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(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.

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