

Status: Point in time view as at 03/10/2022.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Cross Heading: Employment particulars is up to date with all changes known to be in force on or before 27 August 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)

SCHEDULES

SCHEDULE 2

TRANSITIONAL PROVISIONS, SAVINGS AND TRANSITORY PROVISIONS

PART I

TRANSITIONAL PROVISIONS AND SAVINGS

Employment particulars

7.—(1) In this paragraph “existing employee” means an employee whose employment with his employer began before 7th December 1994, whether or not the provisions of section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 applied to him before that date.

(2) Subject to the following provisions of this paragraph, Articles 33 to 39 do not apply to an existing employee (but the provisions of section 4 of the Act of 1965 continue in force in his case).

(3) Where an existing employee, at any time—

- (a) on or after the day on which this Order comes into operation, and
- (b) either before the end of his employment or within the period of three months beginning with the day on which his employment ends,

requests from his employer a statement under Article 33, the employer shall (subject to Article 37 and any other provision disapplying or having the effect of disapplying Articles 33 to 36) be treated as being required by Article 33 to give him a written statement under that Article not later than two months after the request is made; and Article 36 shall (subject to that) apply in relation to the employee after he makes the request.

(4) An employer is not required to give an employee a statement under Article 33 pursuant to sub-paragraph (3)—

- (a) on more than one occasion, or
- (b) if he has already given him a statement pursuant to paragraph 2(3) of Schedule 7 to the Industrial Relations (Northern Ireland) Order 1993.

(5) Where—

- (a) on or after the day on which this Order comes into operation there is in the case of an existing employee a change in any of the matters particulars of which would, had he been given a statement of particulars on 7th December 1994 under Article 43 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976, have been included or referred to in the statement, and
- (b) he has not previously requested a statement under sub-paragraph (3) or paragraph 2(3) of Schedule 7 to the Industrial Relations (Northern Ireland) Order 1993,

paragraphs (1) and (6) of Article 36 shall be treated (subject to Article 37 and any other provision disapplying or having the effect of disapplying Article 36) as requiring his employer to give him

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a written statement containing particulars of the change at the time specified in paragraph (3) of Article 36; and the other provisions of Article 36 apply accordingly.

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