

1991 No. 66

INDUSTRIAL RELATIONS

Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) 1991

Made 5th March 1991

Coming into operation 1st April 1991

The Department of Economic Development(a), in exercise of the powers conferred on it by Articles 34(5B), 37A(7)(b) and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(c) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

Interpretation

2. In this Order—

“the Order of 1976” means the Industrial Relations (Northern Ireland) Order 1976;

“the Order of 1989” shall be construed in accordance with Article 4;

“effective date of termination” has the same meaning as in Article 21(4) of the Order of 1976 except in a case in which Article 21(5) or (6)(d) of that Order would have effect so as to treat a later date as the effective date of termination in which case that later date shall be the effective date of termination for the purpose of this Order.

Increase of limits

3. Subject to Article 5, in the Order of 1976—

(a) the minimum award of £2,520(e) provided for by Article 34(5A)(f) is increased to £2,650;

(b) the sums of £12,550 and £25,040(e) specified in Article 37A(1) are increased respectively to £13,180 and £26,290; and

(c) the sum of £18,795(e) specified in Article 37A(2) is increased to £19,735.

(a) Formerly the Department of Manpower Services: see S.I. 1982/846 (N.I. 11) Article 3

(b) Paragraph (5B) of Article 34 and Article 37A were inserted respectively by Articles 6(1) and 7(3) of S.I. 1987/936 (N.I. 9)

(c) S.I. 1976/1043 (N.I. 16)

(d) Article 21(5) and (6) were substituted by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3 paragraph 4

(e) The sums referred to in Articles 34(5A), 37A(1) and 37A(2) of the Order of 1976 were substituted by the Order of 1989

(f) Article 34(5A) was inserted by Article 6(1) of S.I. 1987/936 (N.I. 9)

Revocation of the Order of 1989

4. Subject to Article 5(2), the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order (Northern Ireland) 1989(a) ("the Order of 1989") is hereby revoked.

Transitional provisions

5.—(1) The increases specified in Article 3 shall have effect in any case where the effective date of termination falls on or after 1st April 1991.

(2) Notwithstanding the revocation of the Order of 1989 the limits set or, as the case may be, preserved by Articles 3 and 5 of that Order shall continue to have effect as if this Order had not been made in any case where the effective date of termination falls before 1st April 1991.

Sealed with the Official Seal of the Department of Economic Development on 5th March 1991.

(L.S.)

R. B. Spence

Under Secretary

(a) S.R. 1989 No. 87

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 1st April 1991, increases from £2,520 to £2,650 the minimum basic award (before appropriate reductions) and increases the limits of £12,550, £25,040 and £18,795 to £13,180, £26,290 and £19,735 respectively, applicable to the calculation of the special award.

The minimum basic award and the special award are relevant to dismissals relating to trade union membership which are to be regarded as unfair by virtue of Articles 22A or 22C(a) of the Industrial Relations (Northern Ireland) Order 1976. The revised Article 22A and new Article 22C were inserted into that Order by Article 5 of the Industrial Relations (Northern Ireland) Order 1987.

The increases specified in this Order apply where the effective date of termination (as defined in Article 2) falls on or after 1st April 1991. If the effective date of termination falls before that date the former limits continue to apply.