

1992 No. 212 (C. 8)

INDUSTRIAL RELATIONS

**Industrial Relations (1992 Order) (Commencement) Order
(Northern Ireland) 1992***Made**14th May 1992*

The Department of Economic Development, in exercise of the powers conferred on it by Article 1(2) and (3) of the Industrial Relations (Northern Ireland) Order 1992(a) ("the Order of 1992"), paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(b) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Industrial Relations (1992 Order) (Commencement) Order (Northern Ireland) 1992.

Commencement

2.—(1) The provisions of the Order of 1992 specified in paragraph (2) shall come into operation on 14th May 1992.

(2) The provisions coming into operation in accordance with paragraph (1) are—

(a) Articles 1, 2, 3(1) and 4(1) and (2);

(b) Article 104; and

(c) Article 107.

(3) The remaining provisions of the Order of 1992, except those coming into operation in accordance with paragraph (4) or (5), shall come into operation on 1st July 1992.

(4) Articles 71, 72 and 73 and Schedule 2 shall come into operation on 1st January 1993.

(5) Part VII except Article 51 shall come into operation on 1st January 1994.

Transitional and supplementary provisions

3.—(1) Anything which, on 30th June 1992, is in process of being done by or in relation to the officer appointed to perform in Northern Ireland the functions of registrar of friendly societies in connection with any statutory provision repealed by the Order of 1992 may be continued by or in relation to the Certification Officer.

(a) S.I. 1992/807 (N.I. 5)

(b) 1974 c. 28

(2) The transitional and supplementary provisions specified in the second column of the Schedule, which relate to the provisions of the Order of 1992 set out opposite them in the first column of that Schedule, shall have effect.

Sealed with the Official Seal of the Department of Economic Development on 14th May 1992.

(L.S.)

R. B. Spence

Under Secretary

SCHEDULE

Article 3(2)

Transitional and Supplementary Provisions

<i>Provisions of the Order of 1992</i>	<i>Transitional and supplementary provisions</i>
Articles 18 and 19(2) and (3)	Nothing in Article 18 or 19(2) and (3) shall apply to an act done before 1st July 1992.
Article 30(7) and (8)	The proviso in paragraph (7) relating to the minimum award and paragraph (8) shall not apply in relation to an application for an award of compensation made before 1st July 1992.
Article 33	Article 33 shall not apply to any relevant matter if a person has made an application to the union before 1st July 1992 for that matter to be submitted for determination or conciliation.
Article 38	Article 38 shall not apply in relation to any certificate given by an employee to his employer before 1st July 1992.
Article 69	Anything done before 1st July 1992 by, to or in relation to the officer appointed to perform in Northern Ireland the functions of registrar of friendly societies in connection with any statutory provision repealed by the Order of 1992 shall be treated on that date as having been done by, to or in relation to the Certification Officer and, in particular, this applies to the following— <ol style="list-style-type: none"> (a) any complaint presented; (b) any application, determination, registration, order, entry, return, report or requirement made; (c) any certificate, approval, notice, direction or exemption given.

*Provisions of the
Order of 1992**Transitional and
supplementary provisions*

Article 97(1), (3),
(6) and (8)

The amendments made to section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a) by these provisions shall not apply to an employee's employment with an employer if, for the purpose of subsection (1) of that section, the beginning of that employment was before 1st July 1992.

Article 99(1)

The amendment made to Article 48(2) of the No. 1 Order by this provision shall not apply in relation to an employee if the period of continuous employment upon which he is entitled to rely for the purpose of establishing his entitlement to a written statement of reasons for dismissal began before 1st July 1992.

Article 101, Article
108(1) and
Schedule 5 Part I
paragraphs 2(4)
and 3(1) and
Article 108(3) and
Schedule 6 in so far
as they relate to the
repeals in, or of,
Articles 22A and
22B of the No. 1
Order and Article
33(1), (5) and (6) of
the Industrial
Relations (No. 2)
(Northern Ireland)
Order 1976(b)

Nothing in Article 101, in Schedule 5 Part I paragraph 2(4) or 3(1) or in the repeals in, or of, Articles 22A and 22B of the No. 1 Order and Article 33(1), (5) and (6) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976 specified in Schedule 6 shall apply—

- (a) so far as those provisions relate to action short of dismissal, where the action complained of, or where that action is part of a series of actions the last action, occurs before 1st July 1992; or
- (b) so far as those provisions relate to dismissal, where the effective date of termination as defined in paragraph (4) of Article 21 of the No. 1 Order, or where a later date is to be treated as the effective date of termination by virtue of paragraph (5) or (6) and paragraph (7) of that Article that later date, falls before 1st July 1992.

Article 108(3) and
Schedule 6 in so far
as they relate to the
repeal of Articles 7
and 8 of the No. 1
Order

The repeal of these provisions shall not have effect in relation to any application made by a trade union to the Industrial Court under Article 8(4) of the No. 1 Order before 1st July 1992.

(a) 1965 c. 19 (N.I.)

(b) S.I. 1976/2147 (N.I. 28)

(This note is not part of the Order.)

This Order brings into operation all the provisions of the Industrial Relations (Northern Ireland) Order 1992 ("the 1992 Order").

Most of the provisions of the 1992 Order, including Article 51 (register of members' names and addresses), come into operation on 1st July 1992 while Articles 71, 72 and 73 and Schedule 2 (the Northern Ireland Commissioner for the Rights of Trade Union Members) come into operation on 1st January 1993 and those in Part VII (secret ballots for trade union elections) (except Article 51) come into operation on 1st January 1994.

The Order also contains transitional and supplementary provisions.