

**2002 No. 317 (C. 26)**

**EMPLOYMENT**

**Employment Relations (1999 Order) (Commencement No. 6  
and Transitional Provisions) Order (Northern Ireland) 2002**

*Made - - - - - 11th October 2002*

The Department for Employment and Learning<sup>(a)</sup>, in exercise of the powers conferred by Articles 1(2) and 39(3) of the Employment Relations (Northern Ireland) Order 1999<sup>(b)</sup>, and now vested in it<sup>(c)</sup>, and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Employment Relations (1999 Order) (Commencement No. 6 and Transitional Provisions) Order (Northern Ireland) 2002.

(2) In this Order –

“the 1995 Order” means the Trade Union and Labour Relations (Northern Ireland) Order 1995<sup>(d)</sup>;

“the 1999 Order” means the Employment Relations (Northern Ireland) Order 1999.

**Commencement**

**2.** Article 6 of, and Schedule 3 to, the 1999 Order (ballots and notices) shall come into operation on 13th October 2002.

**Transitional provisions**

**3.**—(1) The amendments to Article 105 of the 1995 Order (made by paragraph 3 of Schedule 3 to the 1999 Order) shall apply in relation to a notice given pursuant to that Article where a trade union –

(a) takes the steps or any of the steps referred to in Article 105 of the 1995 Order in relation to the notice mentioned in paragraph (1)(a) of that Article after 12th October 2002; or

(b) takes the steps referred to in Article 105 of the 1995 Order in relation to that notice before 13th October 2002 and reasonably believes that the notice will be received by the employer after 12th October 2002.

(2) The amendments to Articles 110, 111 and 129, substitution of Article 109 and insertion of Articles 109A and 115B of the 1995 Order (made by paragraphs 5, 6, 7 and 9 of Schedule

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(a) Formerly known as the Department of Higher and Further Education, Training and Employment; renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15)

(b) S.I. 1999/2790 (N.I. 9)

(c) Article 4(b) and Part II of Schedule 2 of the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Industrial Relations (Northern Ireland) Order 1992 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning

(d) S.I. 1995/1980 (N.I. 12)

3 to the 1999 Order) shall have effect in relation to all ballots in respect of which the notice required by Article 105 of the 1995 Order is subject to the amendments made to that Article by the 1999 Order.

(3) Subject to paragraph (4), the amendments to Articles 104, 108, 117, 118 and insertion of Article 115A of the 1995 Order (made by paragraphs 2, 4, 8, 10 and 11 of Schedule 3 to the 1999 Order) shall have effect only in relation to a ballot where the date of the ballot falls after 12th October 2002.

(4) Article 118 (7B) of the 1995 Order (inserted by paragraph 11 of Schedule 3 to the 1999 Order) shall have effect in relation to agreements concluded after 12th October 2002.

Sealed with the Official Seal of the Department for Employment and Learning on 11th October 2002.

(L.S.)

*R. B. Gamble*  
A senior officer of the Department for Employment and Learning

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order brings into operation on 13th October 2002, Article 6 of and Schedule 3 to, the Employment Relations (Northern Ireland) Order 1999. These provisions amend Part VIII of the Trade Union and Labour Relations (Northern Ireland) Order 1995, which requires trade unions to hold a ballot before organising industrial action. Article 3 of the Order contains transitional provisions relating to ballots and notices.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order.)*

The following provisions of the Order have been brought into operation by Commencement Order made before the date of this Order:

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Article 4 and Schedule 2	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 5	1.12.99	S.R. 1999 No. 470 (C. 35)
Paragraphs (1) to (3) of Article 15	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 20	1.12.99	S.R. 1999 No. 470 (C. 35)
Articles 21 to 23	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 24	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 26	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 29	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 30	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 31	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 32	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 33(4)	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 34	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 35(1) (partially)	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 36	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 37	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 39	1.12.99	S.R. 1999 No. 470 (C. 35)
Schedule 7 (partially)	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 40 and Schedule 9 (partially)	1.12.99	S.R. 1999 No. 470 (C. 35)
Article 9 and Part I of Schedule 4	15.12.99	S.R. 1999 No. 470 (C. 35)
Article 10 and Part II of Schedule 4	15.12.99	S.R. 1999 No. 470 (C. 35)
Article 11 and Part III of Schedule 4	15.12.99	S.R. 1999 No. 470 (C. 35)
Article 27	15.12.99	S.R. 1999 No. 470 (C. 35)
Article 28 and Schedule 6	15.12.99	S.R. 1999 No. 470 (C. 35)
Article 40 and Schedule 9 (partially)	15.12.99	S.R. 1999 No. 470 (C. 35)
Article 33 paragraphs (1), (2), (3), (5) and (6)	2.02.00	S.R. 2000 No. 5 (C. 1)
Article 35 paragraph (1) (to the extent not already in operation), and paragraph (2)	2.02.00	S.R. 2000 No. 5 (C. 1)

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Article 40 and Schedule 9 (partially)	2.02.00	S.R. 2000 No. 5 (C. 1)
Article 18 and Schedule 5	24.04.00	S.R. 2000 No. 122 (C. 4)
Article 3 and Schedule 1	8.03.01	S.R. 2000 No. 373 (C. 17)
Article 7	8.03.01	S.R. 2000 No. 373 (C. 17)
Article 8	8.03.01	S.R. 2000 No. 373 (C. 17)
Article 25	8.03.01	S.R. 2000 No. 373 (C. 17)
Article 12	2.06.02	S.R. 2002 No. 214 (C. 21)

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