

2004 No. 150 (C. 7)

EMPLOYMENT

**Employment (Northern Ireland) Order 2003
(Commencement and Transitional Provisions) Order
(Northern Ireland) 2004**

Made - - - - - 30th March 2004

The Department for Employment and Learning, in exercise of the powers conferred on it by Article 1(2) and (3) of the Employment (Northern Ireland) Order 2003(a), 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 (Northern Ireland) Order 2003 (Commencement and Transitional Provisions) Order (Northern Ireland) 2004.

(2) In this Order –

“the 2003 Order” means the Employment (Northern Ireland) Order 2003;

“the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996(b).

Commencement

2.—(1) The provisions of the 2003 Order specified in Part I of Schedule 1 shall come into operation on 31st March 2004.

(2) The provisions of the 2003 Order specified in Part II of Schedule 1 shall come into operation on 30th April 2004.

(3) The provisions of the 2003 Order specified in Part III of Schedule 1 shall come into operation on 1st May 2004.

(4) Schedule 6 to the 2003 Order to the extent that it repeals the provision specified in Schedule 2 shall come into operation on 31st March 2004.

Transitional provisions

3. The transitional provisions in Schedule 3 shall have effect.

Sealed with the Official Seal of the Department for Employment and Learning on 30th March 2004.

(L.S.)

R. B. Gamble

A senior officer of the Department for Employment and Learning

(a) S.I. 2003/2902 (N.I. 15)

(b) S.I. 1996/1919 (N.I. 16)

SCHEDULE 1

Article 2(1)

PART I

PROVISIONS COMING INTO OPERATION ON 31ST MARCH 2004

<i>Provisions</i>	<i>Subject Matter of Provisions</i>
Article 13	Pre-hearing reviews and preliminary matters
Article 15(2) and (3)	Statutory dispute resolution procedures
Article 16(3)	Contracts of employment
Article 17(6) and (7)	Non-completion of statutory procedure: adjustment of awards by industrial tribunals
Article 18(6) and (7)	Non-completion of statutory procedure: adjustment of awards by Fair Employment Tribunal
Article 19(7) to (10)	Complaints about grievances: industrial tribunals
Article 20(6) to (9)	Complaints about grievances: Fair Employment Tribunal
Article 21	Consequential adjustment of time limits: industrial tribunals
Article 22	Consequential adjustment of time limits: Fair Employment Tribunal
In Schedule 5 – (i) paragraph 2(3) and (5); (ii) paragraph 5; and (iii) paragraph 6.	Consequential amendments

Article 2(2)

PART II

PROVISIONS COMING INTO OPERATION ON 30TH APRIL 2004

<i>Provision</i>	<i>Subject Matter of Provision</i>
Article 30	Equal pay: questionnaires

Article 2(3)

PART III

PROVISIONS COMING INTO OPERATION ON 1ST MAY 2004

<i>Provision</i>	<i>Subject Matter of Provision</i>
Article 31	Union learning representatives
In Schedule 5 – (i) paragraph 1(1) and (2); and (ii) paragraph 2(10).	Consequential amendments

SCHEDULE 2

Article 2(4)

REPEAL COMING INTO OPERATION ON 31ST MARCH 2004

<i>Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1998/3162 (N.I. 21)	The Fair Employment and Treatment (Northern Ireland) Order 1998	Article 84(2)(f)

SCHEDULE 3

Article 3

TRANSITIONAL PROVISIONS

1. For the purposes of Article 92A of the 1996 Order (inserted by Article 31 of the 2003 Order), the requirements of paragraph (3) of the Article (notice to employer and training condition) shall be treated as being satisfied in relation to an employee if –

- (a) immediately before 1st May 2004 he has the function of carrying on any or all of the activities mentioned in Article 92A(2) in relation to qualifying members of the trade union and has had that function for a continuous period of six months or more; and
- (b) he acquired that function by reason of being appointed or elected, in accordance with the rules of the trade union, to carry it on.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation –

- (a) on 31st March 2004, the provisions of the Employment (Northern Ireland) Order 2003 specified in Part I of Schedule 1, which relate to pre-hearing reviews and preliminary matters and statutory dispute resolution procedures;
- (b) on 30th April 2004, the provision of the Employment (Northern Ireland) Order 2003 specified in Part II of Schedule 1 relating to equal pay questionnaires;
- (c) on 1st May 2004, the provision of the Employment (Northern Ireland) Order 2003 specified in Part III of Schedule 1 relating to union learning representatives.

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