
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 519

**The Employment Relations (2004 Order)
(Commencement No. 1 and Transitional
Provisions) Order (Northern Ireland) 2004**

Transitional provisions

- 6.—(1) The amendments and repeals made by the following provisions of the 2004 Order –
- (a) Article 12 and paragraphs (1) to (7) of Article 13,
 - (b) the paragraphs of Schedule 2 mentioned in Article 3(b), and
 - (c) the entries in Schedule 3 mentioned in Article 3(c) that relate to Articles of the 1996 Order,
- do not apply in the circumstances specified in paragraph (2).
- (2) The circumstances are –
- (a) where the act or failure to act to which the complaint relates was done before 26th December 2004, or
 - (b) where the act or failure to act to which the complaint relates is part of a series and the first act or failure in the series was done before that date.
- (3) For the purposes of paragraph (2) an act extending over a period is done on the last day of that period and a failure to act shall be treated as done when it was decided on.
- (4) For the purposes of paragraph (3), in the absence of evidence establishing the contrary, the employer shall be taken to decide on a failure to act-
- (a) when he does an act inconsistent with doing the failed act, or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.