

2006 No. 357

EMPLOYMENT

**The Employment Protection (Continuity of Employment)
(Amendment) Regulations (Northern Ireland) 2006**

Made - - - - - *5th September 2006*

Coming into operation - - - - - *1st October 2006*

The Department for Employment and Learning^(a), makes the following Regulations in exercise of the powers conferred on it by Article 15(1) of the Employment Rights (Northern Ireland) Order 1996^(b), and now vested in it^(c):

Citation and Commencement

1. These Regulations may be cited as the Employment Protection (Continuity of Employment) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 1st October 2006.

Interpretation

2. In these Regulations “the principal Regulations” means the Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996^(d).

Amendments to the principal Regulations

3.—(1) The principal Regulations shall be amended as follows.

(2) In regulation 3 (application) –

- (a) at the end of paragraph (e), omit “or”;
- (b) at the end of paragraph (f), add “or”, and
- (c) after paragraph (f), add the following paragraph —

“(g) the making of an agreement to submit a dispute to arbitration in accordance with a scheme having effect by virtue of an order under Article 84A of the Industrial Relations (Northern Ireland) Order 1992.”

(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(b) S.I. 1996/1919 (N.I. 16); Article 15 was amended by paragraph 7 of Schedule 1 to the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 (S.I. 1998/1265 (N.I. 8))
(c) *See* S.R. 1999 No. 481
(d) S.R. 1996 No. 604

Sealed with the Official Seal of the Department for Employment and Learning on 5th September 2006.

D.S.S. McAuley
A senior officer of the
Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996 (the “principal Regulations”), which preserve an employee’s continuity of employment where he is dismissed and subsequently reinstated or re-employed. The principal Regulations apply where the reinstatement or re-employment is a consequence of a type of action taken which is specified in the Regulations, such as making a claim in accordance with a dismissal procedures agreement. These Regulations add to the types of action, specified in the principal Regulations, the making of an agreement to submit a dispute to arbitration in accordance with a scheme under Article 84A of the Industrial Relations (Northern Ireland) Order 1992 (the “1992 Order”). Article 84A was inserted into the 1992 Order by Article 8 of the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 (S.I. 1998/1265 (N.I. 8)) and provides for the Labour Relations Agency to prepare a scheme for arbitration in the case of disputes involving claims which could be the subject of industrial tribunal proceedings, including in particular disputes arising out of the provisions of the Employment Rights (Northern Ireland) Order 1996 relating to unfair dismissal.

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