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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

**PART XIII**

**PROCEDURE FOR HANDLING REDUNDANCIES**

*Duty of employer to notify Department*

**Duty of employer to notify Department of certain redundancies**

**221.**—(1) An employer proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less shall notify the Department, in writing, of his proposal

- [<sup>F1</sup>(a) before giving notice to terminate an employee's contract of employment in respect of any of those dismissals, and
- (b)] at least 90 days before the first of those dismissals takes effect.

(2) An employer proposing to dismiss as redundant 20 or more employees at one establishment within such a period shall notify the Department, in writing, of his proposal

- [<sup>F2</sup>(a) before giving notice to terminate an employee's contract of employment in respect of any of those dismissals, and
- (b)] at least 30 days before the first of those dismissals takes effect.

(3) In determining how many employees an employer is proposing to dismiss as redundant within the period mentioned in paragraph (1) or (2), no account shall be taken of employees in respect of whose proposed dismissal notice has already been given to the Department.

(4) A notice under this Article shall—

- (a) be given to the Department by delivery to the Department or by sending it by post to the Department, at such address as the Department may direct in relation to the establishment where the employees proposed to be dismissed are employed,
- (b) where there are representatives to be consulted under Article 216, identify them and state the date when consultation with them under that Article began, and
- (c) be in such form and contain such particulars, in addition to those required by subparagraph (b), as the Department may direct.

(5) After receiving a notice under this Article from an employer the Department may by written notice require the employer to give it such further information as may be specified in the notice.

(6) Where there are representatives to be consulted under Article 216 the employer shall give to each of them a copy of any notice given under paragraph (1) or (2).

The copy shall be delivered to them or sent by post to an address notified by them to the employer, or (in the case of representatives of a trade union) sent by post to the union at the address of its head or main office.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(7) If in any case there are special circumstances rendering it not reasonably practicable for the employer to comply with any of the requirements of paragraphs (1) to (6), he shall take all such steps towards compliance with that requirement as are reasonably practicable in the circumstances.

(8) Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with any of those requirements.

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| <b>F1</b> | Art. 221(1)(a)(b) inserted (8.10.2006) by <a href="#">Collective Redundancies (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/369)</a> , <b>reg. 3(2)</b> |
| <b>F2</b> | Art. 221(2)(a)(b) inserted (8.10.2006) by <a href="#">Collective Redundancies (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006/369)</a> , <b>reg. 3(2)</b> |

**[<sup>F3</sup>Duty of employer to notify competent authority of a vessel's flag State of certain redundancies**

**221A.**—(1) Article 221 has effect subject to this Article if—

- (a) the duty under Article 221(1) or (2) applies to a proposal to dismiss employees as redundant, and
- (b) the employees concerned are members of the crew of a seagoing vessel which is registered at a port outside Northern Ireland.

(2) The employer must give the notification required by Article 221(1) or (2) to the competent authority of the State where the vessel is registered (instead of to the Department).]

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| <b>F3</b> | Art. 221A inserted (26.1.2020) by <a href="#">The Seafarers (Collective Redundancies, Information and Consultation and Insolvency Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/12)</a> , regs. 1(1), <b>3(2)</b> (with reg. 3(5)) |
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**Offence of failure to notify**

**222.**—(1) An employer who fails to give notice to the Department in accordance with Article 221 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Proceedings for such an offence shall be instituted only by or with the consent of the Department or by an officer authorised for that purpose by special or general directions of the Department.

(3) An officer so authorised may, although not of counsel or a solicitor, prosecute or conduct proceedings for such an offence before a magistrates' court.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- [Act applied with modifications by S.R. 2023/156 reg. 15](#)

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- [Pt. 7A inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- [Ch. 5 inserted by 2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- [art. 21\(4B\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- [art. 23\(1\)\(zza\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- [art. 70F inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- [art. 70G inserted by 2020 c. 7 Sch. 7 para. 20](#)
- [art. 71\(1C\) inserted by 2020 c. 7 Sch. 7 para. 21\(a\)](#)
- [art. 72\(8\) inserted by 2020 c. 7 Sch. 7 para. 22\(b\)](#)
- [art. 85ZS\(3\)\(a\)-\(c\) substituted for words by 2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- [art. 95F\(5A\) inserted by 2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- [art. 135E inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- [art. 135G inserted by 2020 c. 7 Sch. 7 para. 25](#)
- [art. 137\(6D\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- [art. 137\(7N\) inserted by 2020 c. 7 Sch. 7 para. 26\(b\)](#)
- [art. 140\(3\)\(fj\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- [art. 140\(3\)\(fl\) inserted by 2020 c. 7 Sch. 7 para. 27](#)
- [art. 143\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- [art. 144\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)