
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 130

TERMS AND CONDITIONS OF EMPLOYMENT

Employment Rights (Increase of
Limits) Order (Northern Ireland) 1998

Made - - - - *31st March 1998*

Coming into operation *1st April 1998*

The Department of Economic Development, in exercise of the powers conferred on it by Article 23(2), 63(7), 154(2), 158(2), 159(7), 231(2), 251(2) and (3) of the Employment Rights (Northern Ireland) Order 1996 and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Employment Rights (Increase of Limits) Order (Northern Ireland) 1998 and shall come into operation on 1st April 1998.

Interpretation

2. In this Order—

“the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996(1);

“the 1995 Order” means the Trade Union and Labour Relations (Northern Ireland) Order 1995(2).

Increase of limits

3. Subject to Article 4, each of the limits described in the first and second columns of the Table in the Schedule is increased by the substitution, in place of the old amount specified in the third column of that Table, of the new amount specified in the fourth column of that Table.

Transitional provisions

4.—(1) The increases provided for in Article 3 have effect in any case where the appropriate date falls on or after 1st April 1998.

(1) S.I.1996/1919 (N.I. 16)
(2) S.I. 1995/1980 (N.I. 12)

(2) In a case where the appropriate date falls before 1st April 1998, the limits having effect in relation to the case immediately before 1st April 1998 continue to apply.

(3) In this Article, “the appropriate date” means—

- (a) in the case of an application made under Article 34 of the 1995 Order (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant’s right;
- (b) in the case of an application made under Article 40(2) of the 1995 Order (compensation for exclusion or expulsion from a trade union), the date of the exclusion or expulsion from the trade union;
- (c) in the case of a complaint presented under Article 28 of the 1996 Order (refusal of employment on grounds related to union membership or refusal of service of employment agency on grounds related to trade union membership), the date as determined by that Article of the conduct to which the complaint relates;
- (d) in the case of a guarantee payment to which an employee is entitled under Article 60 of the 1996 Order, the day in respect of which the payment is due;
- (e) in the case of a complaint presented under Article 145 of the 1996 Order (complaints of unfair dismissal), for the purpose of calculating under Article 152 of that Order the basic award, the compensatory award or the special award, the effective date of termination as defined by Article 129 of that Order;
- (f) in the case of an award under Article 151(1) or (3) of the 1996 Order (failure to comply with an order under Article 147 of that Order), where an employer has—
 - (i) failed to comply fully with the terms of an order for reinstatement or re-engagement; or
 - (ii) failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order of reinstatement (specified under Article 148(2)(c) of that Order) or, as the case may be, re-engagement (specified under Article 149(2)(f) of that Order) should have been complied with;
- (g) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(a) of the 1996 Order (dismissal by reason of redundancy), the relevant date as defined by Article 180 of that Order;
- (h) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(b) of the 1996 Order (lay-off or short time), the relevant date as defined by Article 188 of that Order; and
- (i) in the case of a complaint presented under Article 233(1) of the 1996 Order (payments by the Department), the appropriate date as defined by Article 230 of that Order.

Revocation

5. The Employment Protection (Increase of Limits) Order (Northern Ireland) 1995(3) is revoked.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

31st March 1998.

G. I. O'Doherty
Assistant Secretary

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SCHEDULE

Article 3

Table of Increase of Limits

<i>Relevant Statutory Provision</i>	<i>Subject of Provision</i>	<i>Old Limit</i>	<i>New Limit</i>
1. Article 23(1) of the 1996 Order	Maximum amount of a “week’s pay” for the purpose of calculating basic or additional award of compensation for unfair dismissal or redundancy payment.	£210	£220
2. Article 63(1) of the 1996 Order	Limit on amount of guarantee payment payable to an employee in respect of any day.	£14.50	£15.35
3. Article 154(1) of the 1996 Order	Minimum amount of basic award of compensation where dismissal is unfair by virtue of Article 132(1)(a) and (b), 133(1), 134 or 136(1).	£2,770	£2,900
4. Article 159(1) of the 1996 Order	Minimum amount of special award of compensation where dismissal is unfair by virtue of Article 132(1)(a) and (b), 133(1), 134 or 136(1).	£13,775	£14,500
5. Article 159(1) of the 1996 Order	Maximum amount of special award of compensation where dismissal is unfair by virtue of Article 132(1)(a) and (b), 133(1), 134 or 136(1).	£27,500	£29,000
6. Article 159(2) of the 1996 Order	Minimum amount of special award of compensation where employer fails to comply with order for reinstatement or re-engagement.	£20,600	£21,800
7. Article 158(1) of the 1996 Order	Limit on amount of compensation	£11,300	£12,000

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<i>Relevant Statutory Provision</i>	<i>Subject of Provision</i>	<i>Old Limit</i>	<i>New Limit</i>
	awarded under Article 151(1) and (2) of the 1996 Order or of compensatory award calculated in accordance with Article 157 of that Order.		
8. Article 231(1) of the 1996 Order	Limit on amount in respect of any one week payable to an employee in respect of debt to which Part XIV of the 1996 Order applies and which is referable to a period of time.	£210	£220

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 1st April 1998, increases limits applying to redundancy payments, to the compensation which can be awarded by industrial tribunals in cases of unfair dismissal, to the guarantee payments employers are required to make in cases of lay-off, and to certain payments the Department is required to make out of the National Insurance Fund to employees of an employer, who has become insolvent.

The maximum amount of “a week’s pay”, used in calculating redundancy payments and basic and additional awards of compensation for unfair dismissal and to limit payments to employees of an insolvent employer is increased to £220.

The maximum award of the compensatory award payable in unfair dismissal cases and the maximum amount of compensation payable where an order for reinstatement or re-engagement is not fully complied with are both increased to £12,000.

The minimum amount of the basic award where a dismissal is attributable to an employees trade union membership or activities, his activities or proposed activities as an employee representative or pension scheme trustee, or his actions in connection with perceived risks to health and safety at work, is increased to £14,500, or, where an order for reinstatement or re-engagement is not complied with, £21,800. The maximum amount of the special award in such cases is increased to £29,000.

The maximum guarantee payment payable to an employee in respect of any day on which he is laid-off is increased to £15·35.

The increases apply where the event giving rise to an employee’s entitlement to compensation or other payments occurred on or after 1st April 1998. Limits previously in force (under the

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Employment Rights (Northern Ireland) Order 1996 as it had effect immediately before the coming into operation of this Order) are preserved by Article 4 of the Order in relation to cases where the relevant event was before that date.