
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 402

EMPLOYMENT

**Public Interest Disclosure (Compensation)
Regulations (Northern Ireland) 1999**

Made - - - - 29th September 1999

Coming into operation 31st October 1999

The Department of Economic Development, in exercise of the powers conferred on it by Article 162B of the Employment Rights (Northern Ireland) Order 1996⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Interest Disclosure (Compensation) Regulations (Northern Ireland) 1999 and shall come into operation on 31st October 1999.

Interpretation

2. In these Regulations “the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996.

Compensation

3. Articles 151 to 162A⁽²⁾ of the 1996 Order shall apply to compensation awarded, or a compensatory award made, to a person in a case where he is regarded as unfairly dismissed by virtue of Article 134A⁽³⁾ or 137(5A)⁽⁴⁾ of the 1996 Order, with the following modifications—

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- (1) S.I.1996/1919 (N.I. 16); Article 162B of the Employment Rights (Northern Ireland) Order 1996 (“the 1996 Order”) was inserted by the Public Interest Disclosure (Northern Ireland) Order 1998, S.I. 1998/1763 (N.I. 17), Article 12(4)
- (2) Article 151 of the 1996 Order was amended by the Race Relations (Northern Ireland) Order 1997, S.I. 1997/569 (N.I. 6) Schedule 2, paragraph (8)3, by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, S.I. 1998/1265 (N.I. 8), Article 15(1), Schedule 1, paragraph 11 and Schedule 2, by S.R. 1998 No. 386, regulation 32(6), and by the Fair Employment and Treatment (Northern Ireland) Order 1998, S.I. 1998/3162 (N.I. 21), Schedule 3 and is to be amended by the Public Interest Disclosure (Northern Ireland) Order 1998, S.I. 1998/1763 (N.I. 17), Article 12(2). Article 152 of the 1996 Order was amended by the Employment Rights (Dispute Resolutions) (Northern Ireland) Order 1998, Schedule 1, paragraph 12 and by S.R. 1998 No. 386, regulation 32(6), and is to be amended by the Public Interest Disclosure (Northern Ireland) Order 1998, Article 12(3). Article 154 of the 1996 Order was amended by S.R. 1998 No. 130, Article 3 and the Schedule and by S.R. 1998 No. 386, regulation 32(6). Article 156 of the 1996 Order was amended by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, Schedule 1, paragraph 13, and by S.R. 1998 No. 386, regulation 32(6). Article 157 of the 1996 Order was amended by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, Schedule 1, paragraph 14. Article 158 of the 1996 Order was amended by S.R. 1998 No. 130, Article 3 and the Schedule. Article 159 of the 1996

- (a) as if, after Article 158(1), there were inserted the following paragraph—
 - “(1A) Paragraph (1) shall not apply to compensation awarded, or a compensatory award made, to a person in a case where he is regarded as unfairly dismissed by virtue of Article 134A or 137(5A).”; and
- (b) as if, in Article 151(6)(5)—
 - (i) after sub-paragraph (c), the word “and” was omitted; and
 - (ii) after sub-paragraph (d), there was inserted—
 - “and
 - (e) a dismissal where the reason (or if more than one, the principal reason)—
 - (i) in a redundancy case, for selecting the employee for dismissal, or
 - (ii) otherwise, for the dismissal,

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

L.S.

29th September 1999.

R. B. Gamble
Assistant Secretary

Order was amended by [S.R. 1998 No. 130](#), Article 3 and the Schedule. Article 160 of the 1996 Order was amended by the Race Relations (Northern Ireland) Order 1997, Schedule 2, paragraph 8(4), by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, Article 15(3) to (5) and Schedule 2 and by the Fair Employment and Treatment (Northern Ireland) Order 1998, Schedule 3. Article 162A of the 1996 Order was inserted by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, Article 14

- (3) Article 134A of the 1996 Order is to be inserted by the Public Interest Disclosure (Northern Ireland) Order 1998, Article 8
- (4) Article 137(5A) of the 1996 Order is to be inserted by the Public Interest Disclosure (Northern Ireland) Order 1998, Article 9
- (5) Article 151(6) of the 1996 Order was amended by the Race Relations (Northern Ireland) Order 1997, Schedule 2, paragraph 8(3), by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, Article 15(1) and Schedule 2 and by the Fair Employment and Treatment (Northern Ireland) Order 1998, Schedule 3

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations modify the application of provisions of the Employment Rights (Northern Ireland) Order 1996 (“the 1996 Order”) to compensation awarded, or a compensatory award made, in cases where an employee has been dismissed, or selected for dismissal on the grounds of redundancy, because he made a protected disclosure.

Regulation 3 removes the monetary limit, which Article 158(1) of the 1996 Order imposes on the amount of compensation which may be awarded and on the amount of a compensatory award. It also provides for the payment of a higher additional award under Article 151(3) of the 1996 Order.