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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 73 (C. 6)**

**EMPLOYMENT**

**The Employment Relations (2004 Order) (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 2005**

*Made* - - - - *9th March 2005*

The Department for Employment and Learning, in exercise of the powers conferred on it by Article 1(2) and (3) of the Employment Relations (Northern Ireland) Order 2004(1) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Employment Relations (2004 Order) (Commencement No. 2 and Transitional Provisions) Order (Northern Ireland) 2005.

**Interpretation**

2. In this Order –  
“the 2004 Order” means the Employment Relations (Northern Ireland) Order 2004; and  
“the 1995 Order” means the Trade Union and Labour Relations (Northern Ireland) Order 1995(2).

**Appointed day**

3. The following provisions of the 2004 Order shall come into operation on 13th March 2005 –  
(a) Articles 17, 19 and 28; and  
(b) in Schedule 1 to the 2004 Order (Amendments to Schedule 1A to the 1995 Order), paragraphs 15 and 18.

**Transitional provisions**

4. The coming into operation of the provisions mentioned in Article 3 is subject to the transitional provisions in Article 5.

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(1) S.I. 2004/3078 (N.I. 19)  
(2) S.I. 1995/1980 (N.I. 12)

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5. Until the appointed day for the coming into operation of paragraphs 16, 17 and 20 of Schedule 1 to the 2004 Order, in paragraph 166(2) of Schedule 1A to the 1995 Order (which paragraph 15 substitutes for the original paragraph 166(2) of that Schedule) for “166A, 166B, 169A, 169B and 171A” there shall be substituted “169A and 169B”.

Sealed with the Official Seal of the Department for Employment and Learning on 13th March 2005.

L.S.

*T. Devine*  
A senior officer of the  
Department for Employment and Learning

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order brings into operation on 13th March 2005, Articles 17, 19 and 28 of the Employment Relations (Northern Ireland) Order 2004 (“the 2004 Order”), together with paragraphs 15 and 18 of Schedule 1 to the 2004 Order.

Article 17 of the 2004 Order replaces Article 12(6) of the Industrial Tribunals (Northern Ireland) Order 1996 (S.I.1996/1921 (N.I. 18)) so as to clarify that the power conferred in that provision applies to any proceedings where a national security issue is at stake.

Article 19 of the 2004 Order makes a technical amendment to Article 24(5) of the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)), which confers certain order-making powers on the Department for Employment and Learning (“the Department”).

Article 28 of the 2004 Order provides a new order-making power for the Department to widen the means of voting available in ballots and elections conducted under the Trade Union and Labour Relations (Northern Ireland) Order 1995 (“the 1995 Order”).

Paragraph 15 of Schedule 1 to the 2004 Order amends paragraph 166 of Schedule 1A to the 1995 Order. It extends the Department’s powers to amend (at the request of the Industrial Court) the provisions of Schedule 1A, which provides a statutory procedure for the recognition and derecognition of trade unions for the purpose of collective bargaining.

Paragraph 18 of Schedule 1 to the 2004 Order further amends Schedule 1A to the 1995 Order by inserting paragraphs 169A to C which provide order-making powers to enable the Department to deal with cases where, subsequent to anything being done under or for the purposes of the Schedule, the trade union to which the action related amalgamates or transfers its engagements or the employer involved ceases to be the employer (for example, by reason of a business transfer).

The Order contains transitional provisions.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order.)*

The following provisions of the Employment Relations (Northern Ireland) Order 2004 have been brought into operation by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Articles 12–15	26th December 2004	<a href="#">2004 No. 519 (C. 30)</a>
Article 18	26th December 2004	<a href="#">2004 No. 519 (C. 30)</a>
In Schedule 2, paragraphs 8–10, 14, 15, 18, 19, 22, 23, 24(1), (3) and (4), 25, and Article 30(1) so far as it relates to those paragraphs.	26th December 2004	<a href="#">2004 No. 519 (C. 30)</a>
In Schedule 3, the entries relating to Articles 73, 75, 136 and 161 of the	26th December 2004	<a href="#">2004 No. 519 (C. 30)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Employment Rights (Northern Ireland) Order 1996; the entry relating to Article 19 of the Employment Relations (Northern Ireland) Order 1999, and Article 30(2) so far as it relates to those repeals.		