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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.