
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 177

The Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006

Failure to inform or consult: supplemental

16.—(1) Article 247(1) of the 1996 Order (complaint to be sole remedy for breach of relevant rights) and Article 20 of the 1996 Tribunals Order (conciliation) shall apply to the rights conferred by regulation 15 and to proceedings under this regulation as they apply to the rights conferred by those Orders and the industrial tribunal proceedings mentioned in those Orders.

(2) An appeal shall lie and shall lie only to the Court of Appeal on a question of law arising from any decision of, or arising in any proceedings before, an industrial tribunal under or by virtue of these Regulations; and section 11(1) of the Tribunals and Inquiries Act 1992(1) (appeals from certain tribunals to the High Court) shall not apply in relation to any such proceedings.

(3) “Appropriate compensation” in regulation 15 means such sum not exceeding thirteen weeks' pay for the employee in question as the tribunal considers just and equitable having regard to the seriousness of the failure of the employer to comply with his duty.

(4) Articles 16 to 24 of the 1996 Order shall apply for calculating the amount of a week's pay for any employee for the purposes of paragraph (3) and, for the purposes of that calculation, the calculation date shall be—

- (a) in the case of an employee who is dismissed by reason of redundancy (within the meaning of Articles 174 and 190 of the 1996 Order) the date which is the calculation date for the purposes of any entitlement of his to a redundancy payment (within the meaning of those sections) or which would be that calculation date if he were so entitled;
- (b) in the case of an employee who is dismissed for any other reason, the effective date of termination (within the meaning of Articles 127(1) and (2) and 129 of the 1996 Order) of his contract of employment;
- (c) in any other case, the date of the service provision change.

(1) 1992 c. 53; section 11(1) was amended by the Sea Fish (Conservation) Act 1992 (c. 60) section 9, the Special Educational Needs and Disability Act 2001 (c. 10) section 42(1) and Schedule 8 and S.I. 2001/3649.