

2006 No. 369

EMPLOYMENT

Collective Redundancies (Amendment) Regulations (Northern Ireland) 2006

Made - - - - - *13th September 2006*

Coming into operation - *8th October 2006*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) being a Department designated for the purposes of that section in relation to measures relating to dismissals or terminations of employment contracts where such dismissals or terminations are effected by an employer for one or more reasons not related to the individual workers concerned(b):

Citation and commencement

1. These Regulations may be cited as the Collective Redundancies (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 8th October 2006.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Duty to notify Department

3.—(1) Article 221 of the Employment Rights (Northern Ireland) Order 1996(d) shall be amended as follows.

(2) After “of his proposal” in paragraphs (1) and (2) insert—

“(a) before giving notice to terminate an employee’s contract of employment in respect of any of those dismissals, and

(b) ”.

(a) 1972 c. 68

(b) The European Communities (Designation)(No. 4) Order 1994 (S.I. 1994/2791)

(c) 1954 c. 33 (N.I.)

(d) S.I. 1996/1919 (N.I. 16)

Sealed with the Official Seal of the Department for Employment and Learning on 13th September 2006.

D.S.S. McAuley
A senior officer of the
Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the judgment of the European Court of Justice in Case C-188/03, *Junk v Kuhnel*, which concerned the interpretation of Council Directive 98/59/EC (OJ No.L225, 12.8.98, p 16) on the approximation of the laws of the Member States relating to collective redundancies.

The Regulations amend Article 221 of the Employment Rights (Northern Ireland) Order 1996 to provide that, in addition to the existing requirements of that Article, an employer proposing collective redundancies must notify the Department of his proposal before he gives notice to an employee to terminate an employee's contract of employment in respect of any of those dismissals.

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