

2006 No. 86

EMPLOYMENT

**The Information and Consultation of Employees (Amendment)
Regulations (Northern Ireland) 2006**

Made - - - - - *6th March 2006*

Coming into operation - *6th April 2006*

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Department for Employment and Learning makes the following Regulations, in exercise of the powers conferred by section 43(1), (3)(a), (4)(e) and (f) and (9) of the Employment Relations Act 2004(a).

Citation and commencement

1. These Regulations may be cited as the Information and Consultation of Employees (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 6th April 2006.

Amendment of Regulations

2. The Information and Consultation of Employees Regulations (Northern Ireland) 2005(b) (“the 2005 Regulations”) shall be amended in accordance with regulations 3 to 5.

3. In regulation 2 after the definition of “parties” there shall be inserted the words—

““Pension Schemes Regulations” means The Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006(c)”.

4. After regulation 17 there shall be inserted—

“Negotiated agreements and listed changes to pension schemes

17A.—(1) A requirement in any negotiated agreement or any part of such an agreement made before 6th April 2006 to inform and consult employees or their representatives about a listed change shall cease to apply once—

- (a) the employer is under a duty under any of regulations 7(3) and 11 to 13 of the Pension Schemes Regulations; and
- (b) he has notified the information and consultation representatives or, where he must consult employees directly, the employees, in writing that he will be complying

(a) 2004 c.24.
(b) S.R. 2005 No. 47
(c) S.R. 2006 No. 48

with his duty under the provisions of the Pension Schemes Regulations referred to in sub-paragraph (a), instead of his obligations under the negotiated agreement, provided that the notification is given on each occasion on which the employer has become or is about to become subject to the duty.

(2) For the purposes of this regulation “listed change” has the meaning given by regulation 6(2) of the Pension Schemes Regulations.”.

5. In regulation 20(5)—

- (a) in sub-paragraph (a) the word “or” shall be omitted;
- (b) after sub-paragraph (b) there shall be inserted the words—
“or
(c) any of regulations 7(3) and 11 to 13 of the Pension Schemes Regulations,”; and
- (c) for the words “sub-paragraph (a) or (b)” there shall be substituted the words “sub-paragraph (a), (b) or (c)”.

Sealed with the Official Seal of the Department for Employment and Learning on 6th March 2006.



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

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations amend the Information and Consultation of Employees Regulations (Northern Ireland) 2005 (“the 2005 Regulations”). The Regulations come into operation on 6th April 2006.

The 2005 Regulations impose information and consultation obligations on certain employers. Regulation 16 of those Regulations provides that employers and their workforce may reach a negotiated agreement on how these obligations will be satisfied. It is possible that such an agreement may address information and consultation on pensions issues. Further, where, under regulation 20, standard information and consultation provisions apply, these include the obligation to inform and consult on “decisions likely to lead to substantial changes in work organisation or in contractual relations”. This could include the provision of information and consultation on pensions issues. Regulations 7(3) and 11 to 13 of The Occupational and Personal Pension Schemes (Consultation by Employers) Regulations (Northern Ireland) 2006 (“the 2006 Regulations”) require relevant employers to inform and consult about “listed changes” which are certain changes affecting occupational or personal pension schemes.

These Regulations amend the 2005 Regulations so as to provide that the obligations to inform and consult on “listed changes” arising either as a result of a negotiated agreement entered into before these Regulations come into operation or pursuant to regulation 20 of the 2005 Regulations do not apply where the employer is under a duty under regulations 7(3) and 11 to 13 of the 2006 Regulations and he has notified the information and consultation representatives appointed under a negotiated agreement, or the information and consultation representatives appointed under the standard provisions of the 2005 Regulations or the employees (where the agreement requires they be informed and consulted directly), as appropriate, in writing that he will be complying with that duty.

A Regulatory Impact Assessment has not been prepared for this instrument as it has a negligible impact on the costs of business.