

SCHEDULE 1

Regulation 2

APPLICATION OF THE REGULATIONS TO NORTHERN IRELAND

1. These Regulations shall apply to Northern Ireland, subject to the modifications in this Schedule.

Commencement Information

I1 Sch. 1 para. 1 in force at 6.4.2006, see [reg. 1\(2\)](#)

2. Sub-paragraph (1)(b) of regulation 3 and any other provision of these Regulations insofar as it relates to that sub-paragraph shall not apply to Northern Ireland.

Commencement Information

I2 Sch. 1 para. 2 in force at 6.4.2006, see [reg. 1\(2\)](#)

3. Any reference in these Regulations—

- (a) to an employment tribunal shall be construed as a reference to an Industrial Tribunal; and
- (b) to the Employment Appeal Tribunal shall be construed as a reference to the Court of Appeal.

Commencement Information

I3 Sch. 1 para. 3 in force at 6.4.2006, see [reg. 1\(2\)](#)

4. For the words from “Paragraph (1)” to “the 1992 Act” in regulation 7(6) there is substituted—
“Paragraph (1) shall not apply in relation to a dismissal of an employee if the application of Article 126 of the Employment Rights (Northern Ireland) Order 1996(1) to the dismissal of the employee is excluded by or under any provision of that Order, the Industrial Tribunals (Northern Ireland) Order 1996(2) or the 1992 Act insofar as it extends to Northern Ireland, the Industrial Relations (Northern Ireland) Order 1992(3) or the Trade Union and Labour Relations (Northern Ireland) Order 1995(4)

Commencement Information

I4 Sch. 1 para. 4 in force at 6.4.2006, see [reg. 1\(2\)](#)

5. For the words from “In this Regulation” to “Part XII of the 1996 Act” in regulation 8(4) there is substituted—

“In this Regulation the “relevant statutory schemes” are—

- (a) Chapter VI of Part XII of the Employment Rights (Northern Ireland) Order 1996 (“the 1996 Order”);
- (b) Part XIV of the 1996 Order”.

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

(2) S.I. 1996/1921 (N.I. 18).

(3) S.I. 1992/807 (N.I. 5).

(4) S.I. 1995/1980 (N.I. 12).

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Commencement Information

I5 Sch. 1 para. 5 in force at 6.4.2006, see [reg. 1\(2\)](#)

6. For paragraph (4) of regulation 9 there is substituted—

“In article 92 of the 1996 Order (time off for carrying out trade union duties) in paragraph (1), for the full stop at the end of sub-subparagraph (c) there is inserted—

- “(d) negotiations with a view to entering into an agreement under regulation 9 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 that applies to employees of the employer, or
- (e) the performance on behalf of employees of the employer of functions related to or connected with the making of an agreement under that regulation.”

Commencement Information

I6 Sch. 1 para. 6 in force at 6.4.2006, see [reg. 1\(2\)](#)

7. For the words from “Paragraph (2)” to “the employee’s employment with the transferor” in regulation 17 there is substituted—

“Paragraph (2) applies where—

- (a) by virtue of article 7(a), 7(aa) or 7(b) of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972⁽⁵⁾ (“the 1972 Order”), the transferor is not required by that Order to effect any insurance; or
- (b) by virtue of article 7(c) of the 1972 Order, the transferor is exempted from the requirement of that Order to effect insurance.

(2) Where this paragraph applies, on completion of a relevant transfer the transferor and the transferee shall be jointly and severally liable in respect of any liability referred to in article 5(1) of the 1972 Order, in so far as such liability relates to the employee’s employment with the transferor”.

Commencement Information

I7 Sch. 1 para. 7 in force at 6.4.2006, see [reg. 1\(2\)](#)

[^{F18}8. In regulation 2—

- (a) for “the 1992 Act” where it first occurs there is substituted “the Industrial Relations (Northern Ireland) Order 1992”;
- (b) for “Part XIII of the Insolvency Act 1986” there is substituted “Article 3 of the Insolvency (Northern Ireland) Order 1989”; and
- (c) for “section 178(3) of the 1992 Act” there is substituted “Article 39(2) of the Industrial Relations (Northern Ireland) Order 1992”.]

(5) S.I. 1992/963 (N.I. 6).

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Textual Amendments

- F1** Sch. 1 para. 8 substituted (6.4.2006) by [The Service Provision Change \(Protection of Employment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/177\)](#), regs. 1, **20(2)(a)** (with reg. 21)

9. In regulation 5 for “sections 179 and 180 of the 1992 Act” there is substituted “Article 26 of the [Industrial Relations \(NI\) Order 1992 No.807 \(N.I. 5\)](#)”.

Commencement Information

- I8** Sch. 1 para. 9 in force at 6.4.2006, see [reg. 1\(2\)](#)

10.—(1) In regulation 10 for “the Pensions Schemes Act 1993” there is substituted “the Social Security Pensions (Northern Ireland) Order 1975(6)”.

[^{F2}(2) In regulation 11 for paragraph (2)(c) there is substituted—

“(c) information of any—

(i) disciplinary procedure taken against an employee in circumstances where the Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004 apply,

(ii) grievance procedure taken by an employee where a Code of Practice issued under Part XI of the Industrial Relations (Northern Ireland) Order 1992 which relates exclusively or primarily to the resolution of disputes applies,

where such procedure was taken within the previous two years;”.]

[^{F3}(3) In regulation 12—

(a) for “[^{F4}Sections 18A to 18C] of the 1996 Tribunals Act” there is substituted “[^{F5}Articles 20A to 20C] of the Industrial Tribunals (Northern Ireland) Order 1996”; and

(b) for any reference to “Act” there is substituted “Order”.]

(4) In regulation 16—

(a) for “[^{F6}sections 18A to 18C] of the 1996 Tribunals Act” there is substituted “[^{F7}Articles 20A to 20C] of the [Industrial Tribunals \(NI\) Order 1996 No.1921 \(NI 18\)](#)”; and

(b) for any reference to “those Acts” there is substituted a reference to “those Orders”.

[^{F8}(4A) In regulation 16A—

(a) in paragraph (2)(a) for the words “subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings)” substitute “paragraph (1) of Article 20A of the Industrial Tribunals (Northern Ireland) Order 1996 (requirement to contact the Labour Relations Agency before instituting proceedings)”;

(b) in paragraph (2)(b) for the words “(by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section” substitute “(by virtue of regulations made under paragraph (11) of that Article) the certificate issued under paragraph (4) of that Article”.]

[^{F9}(5) In regulation 18—

(a) for the reference to “that Act” there is substituted “that Order”;

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- (b) for the reference to “section” there is substituted “Article”.
- (6) In regulation 19—
 - (a) for any reference to “subsection” there is substituted “paragraph”; and
 - (b) for any reference to “paragraph” there is substituted “sub-paragraph”.
- (7) In paragraph (3)(b) of regulation 7 for any reference to “that Act” there is substituted “that Order”.]

Textual Amendments

- F2** Sch. 1 para. 10(2) substituted (3.4.2011) by [The Transfer of Undertakings and Service Provision Change \(Protection of Employment\) \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/163\)](#), regs. 1(2), **2**
- F3** Sch. 1 para. 10(3) substituted (6.4.2006) by [The Service Provision Change \(Protection of Employment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/177\)](#), regs. 1, **20(2)(b)** (with reg. 21)
- F4** Words in Sch. 1 para. 10(3)(a) substituted (6.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Employment\) Order 2014 \(S.I. 2014/386\)](#), art. 1, **Sch. para. 39(a)**
- F5** Words in Sch. 1 para. 10(3)(a) substituted (27.1.2020) by [The Transfer of Undertakings and Service Provision Change \(Protection of Employment\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/15\)](#), regs. 1(1), **3**
- F6** Words in Sch. 1 para. 10(4)(a) substituted (6.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Employment\) Order 2014 \(S.I. 2014/386\)](#), art. 1, **Sch. para. 39(b)**
- F7** Words in Sch. 1 para. 10(4)(a) substituted (27.1.2020) by [The Transfer of Undertakings and Service Provision Change \(Protection of Employment\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/15\)](#), regs. 1(1), **4**
- F8** Sch. 1 para. 10(4A) inserted (27.1.2020) by [The Transfer of Undertakings and Service Provision Change \(Protection of Employment\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/15\)](#), regs. 1(1), **5**
- F9** Sch. 1 para. 10(5)-(7) inserted (6.4.2006) by [The Service Provision Change \(Protection of Employment\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/177\)](#), regs. 1, **20(2)(c)** (with reg. 21)

Commencement Information

- I9** Sch. 1 para. 10 in force at 6.4.2006, see [reg. 1\(2\)](#)

11. For a reference to a provision of the 1996 Act in column one of Table 1 there is substituted the corresponding reference to the Employment Rights (Northern Ireland) Order 1996 in column two of Table 1—

Table 1

<i>Column 1</i> Provision of the Employment Rights Act 1996	<i>Column 2</i> Equivalent Provision in the Employment Rights (Northern Ireland) Order 1996
Part X	Part XI
Section 98(4)	Article 130(4)
Section 98(1)	Article 130(1)
Section 135	[^{F10} Article 170]
Section 98(2)(c)	Article 130(2)(c)
Section 95(1)(c)	Article 127(1)(c)

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<i>Column 1</i> Provision of the Employment Rights Act 1996	<i>Column 2</i> Equivalent Provision in the Employment Rights (Northern Ireland) Order 1996
Section 1	Article 33
Section 205(1)	[^{F11} Article 247(1)]
Sections 220-228	Articles 16-24
Section 139	Article 174
Section 155	Article 190
Section 95(1)	Article 127(1)
Section 95(2)	Article 127(2)
Section 97	Article 129
Section 203	Article 245
Section 104	Article 135

Textual Amendments

- F10** Words in Sch. 1 para. 11 Table 1 substituted (6.4.2006) by The Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006 (S.R. 2006/177), regs. 1, **20(2)(d)(i)** (with reg. 21)
- F11** Words in Sch. 1 para. 11 Table 1 substituted (6.4.2006) by The Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006 (S.R. 2006/177), regs. 1, **20(2)(d)(ii)** (with reg. 21)

Commencement Information

- I10** Sch. 1 para. 11 in force at 6.4.2006, see **reg. 1(2)**

12. Any expression used in this Schedule which is defined in the Interpretation Act (Northern Ireland) 1954(7) shall have the meaning assigned by that Act.

Commencement Information

- I11** Sch. 1 para. 12 in force at 6.4.2006, see **reg. 1(2)**

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [2014 c. 20 s. 9](#)