

## 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.

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.

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.

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<sup>(1)</sup> to the dismissal of the employee is excluded by or under any provision of that Order, the Industrial Tribunals (Northern Ireland) Order 1996<sup>(2)</sup> or the 1992 Act insofar as it extends to Northern Ireland, the Industrial Relations (Northern Ireland) Order 1992<sup>(3)</sup> or the Trade Union and Labour Relations (Northern Ireland) Order 1995<sup>(4)</sup>

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”.

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.”.”

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<sup>(5)</sup> (“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.

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

(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".

8. In regulation 2 for "the 1992 Act" there is substituted "the Industrial Relations (Northern Ireland) Order 1992" and for "Part XIII of the Insolvency Act 1986" there is substituted "Part XII of the Insolvency (NI) Order 1989(6)".

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 \(N.I. 5\)](#)".

10.—(1) In regulation 10 for "the Pensions Schemes Act 1993" there is substituted "the Social Security Pensions (Northern Ireland) Order 1975(7)".

(2) In regulation 11 for "the Employment Act 2002 (Dispute Resolution) Regulations 2004" there is substituted "the Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (NI) 2004(8)".

(3) In regulation 12 for "Section 18 of the 1996 Tribunals Act" there is substituted "Article 20 of the [Industrial Tribunals \(NI\) Order 1996 No.1921 \(NI 18\)](#)".

(4) In regulation 16—

(a) for "Section 18 of the 1996 Tribunals Act" there is substituted "Article 20 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".

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> <b>Provision of the Employment Rights Act 1996</b>	<i>Column 2</i> <b>Equivalent Provision in the Employment Rights (Northern Ireland) Order 1996</b>
Part X	Part XI
Section 98(4)	Article 130(4)
Section 98(1)	Article 130(1)
Section 135	Article 170(I)
Section 98(2)(c)	Article 130(2)(c)
Section 95(1)(c)	Article 127(1)(c)
Section 1	Article 33
Section 205(1)	Article 247(I)
Sections 220-228	Articles 16-24
Section 139	Article 174

(6) [S.I. 1989/2405 \(N.I. 19\)](#).

(7) [S.I. 1995/1503 \(N.I. 15\)](#).

(8) [S.R. 2004 No. 521](#).

<i>Column 1</i> <b>Provision of the Employment Rights Act 1996</b>	<i>Column 2</i> <b>Equivalent Provision in the Employment Rights (Northern Ireland) Order 1996</b>
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

**12.** Any expression used in this Schedule which is defined in the Interpretation Act (Northern Ireland) 1954<sup>(9)</sup> shall have the meaning assigned by that Act.

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<sup>(9)</sup> 1954 c. 33 (N.I.).