STATUTORY RULES OF NORTHERN IRELAND

2001 No. 54

EMPLOYMENT

Employment Rights (Increase of Limits) Order (Northern Ireland) 2001

Made . . . . . 12th February 2001

Coming into operation . . 11th March 2001

The Department of Higher and Further Education, Training and Employment(**a**) in exercise of the powers conferred by Articles 33 and 39(3) of the Employment Relations (Northern Ireland) Order 1999(**b**) and now vested in it, and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Rights (Increase of Limits) Order (Northern Ireland) 2001 and shall come into operation on 11th March 2001.

(2) In this Order—

(*a*) "the 1995 Order" means the Trade Union and Labour Relations (Northern Ireland) Order 1995(**c**);

(*b*) "the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**d**).

Revocation

2. Subject to Article 4, the Employment Rights (Increase of Limits) (No. 2) Order (Northern Ireland) 2000(**e**) is revoked.

Increase of limits

3. Subject to Article 4, each of the limits referred to in the first and second columns of the Table in the Schedule to this Order is increased by the substitution, in place of the old amount specified in the third column, of the new amount specified in the fourth column.

(**a**) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Employment Relations (Northern Ireland) Order 1999 to the Department of Higher and Further Education, Training and Employment
(**b**) S.I. 1999/2790 (N.I. 9)
(**c**) S.I. 1995/1980 (N.I. 12)
(**d**) S.I. 1996/1919 (N.I. 16)
(**e**) S.R. 2000 No. 50

Transitional provisions

4.—(1) The increases provided for in Article 3 have effect in any case where the appropriate date falls on or after 11th March 2001.

(2) In a case where the appropriate date falls before 11th March 2001, the limits having effect in relation to the case immediately before 11th March 2001 continue to apply.

(3) In this Article "the appropriate date" means—

(*a*) in the case of an application made under Article 34 of the 1995 Order (compensation for unjustifiable discipline by a trade union), the date of the determination infringing the applicant's right;

(*b*) in the case of a complaint presented under Article 28(1)(*a*) of the 1996 Order (refusal of employment on grounds related to union membership) or Article 28(1)(*b*) of that Order (refusal of service of employment agency on grounds related to union membership), the date of the conduct to which the complaint relates, as determined by Article 28 of that Order;

(*c*) in the case of an application made under Article 40(2) of the 1995 Order (compensation for expulsion from a trade union), the date of the expulsion from the union;

(*d*) in the case of a guarantee payment to which an employee is entitled under Article 60 of the 1996 Order, the day in respect of which the payment is due;

(*e*) in the case of a complaint presented under Article 145 of the 1996 Order (complaints of unfair dismissal), for the purpose of calculating under Article 152 of that Order the basic award or compensatory award, the effective date of termination as defined by Article 129 of that Order;

(*f*) in the case of an award under Article 15(1) or (3) of the 1996 Order, where an employer has failed to comply fully with the terms of an order for reinstatement or re-engagement or has failed to reinstate or re-engage the complainant in accordance with such an order, the date by which the order of reinstatement (specified under Article 148(2)(*c*) of the 1996 Order) or, as the case may be, re-engagement (specified under Article 149(2)(*f*) of that Order) should have been complied with;

(*g*) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(*a*) of the 1996 Order (dismissal by reason of redundancy), the relevant date as defined by Article 180 of that Order;

(*h*) in the case of entitlement to a redundancy payment by virtue of Article 170(1)(*b*) of the 1996 Order (lay-off or short-time), the relevant date as defined by Article 188 of that Order; and

(*i*) in the case of entitlement to a payment under Article 227 of the 1996 Order (payments by the Department), the appropriate date as defined by Article 230 of that Order.

Sealed with the Official Seal of the Department of Higher and Further Education, Training and Employment on 12th February 2001.

(L.S.) *R. B. Gamble*

A senior officer of the Department of Higher and Further Education, Training and Employment

SCHEDULE Article 3

Table of increase of Limits

	Relevant statutory provision	*Subject of provision*	*Old Limit*	*New Limit*
1.	Article 40(6) of the 1995 Order	Minimum amount of compensation awarded by the industrial tribunal where individual expelled from union in contravention of Article 38 of the 1995 Order and where, when the application is made, the applicant has not been re-admitted to the union.	£5,300	£5,500
2.	Article 23(1) of the 1996 Order	Maximum amount of 'a week's pay' for the purpose of calculating basic or additional award of compensation for unfair dismissal or redundancy payment.	£230	£240
3.	Article 63(1) of the 1996 Order	Limit on amount of guarantee payment payable to an employee in respect of any day.	£16·10	£16·70
4.	Article 154(1) of the 1996 Order	Minimum amount of basic award of compensation where dismissal is unfair by virtue of Article 131(1)(*a*), and (*b*), 133(1), 134, or 136(1).	£3,100	£3,300
5.	Article 158(1) of the 1996 Order	Limit on amount of compensatory award for unfair dismissal.	£50,000	£51,700
6.	Article 231(1) of the 1996 Order	Limit on amount in respect of any one week payable to an employee in respect of debt to which Part XIV of the 1996 Order applies and which is referable to a period of time.	£230	£240

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order increases, from 11th March 2001, the limits applying to certain awards of industrial tribunals, and other amounts payable under employment legislation, as specified in the Schedule to the Order. Orders under Article 33 are required to change the limits by the amount by which the retail prices index for the September immediately preceding the making of the Order is higher (or lower) than the index for the previous September. The increases made by this Order therefore reflect the increase in the index from September 1999 to September 2000.

Article 4 of the Order contains transitional provisions determining the circumstances in which the increased limits will apply.

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