1990 No. 69

INDUSTRIAL RELATIONS

Industrial Relations (Variation of Limits) Order (Northern Ireland) 1990

Made . . . . . *28th February 1990*

Coming into operation . . *1st April 1990*

The Department of Economic Development (**a**), in exercise of the powers conferred on it by paragraph 5(5)(**b**) of Schedule 3 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(**c**), Articles 35(5), 70 and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(**d**) and Articles 5(5) and 63(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**e**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1990 and shall come into operation on 1st April 1990.

Variation of limits

2. Subject to Article 3, each limit specified in columns 1 and 2 of the table in the Schedule(**f**) is varied by the substitution of the new figure in column 3 for the old figure in column 4.

Supplementary and transitional provisions

3.—(1) The variation specified in item 1 of the table in the Schedule shall have effect—

(*a*) as respects a lay-off or a keeping on short-time where the relevant date (as defined in section 16(2) of the Act of 1965) falls after this Order comes into operation; and

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(**a**) Formerly the Department of Manpower Services: *see* S.I. 1982/846 (N.I. 11) Article 3
(**b**) Inserted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5 Part II
(**c**) 1965 c.19 (N.I.)
(**d**) S.I. 1976/1043 (N.I. 16): Article 35(5) was amended by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4
(**e**) S.I. 1976/2147 (N.I. 28)
(**f**) The limits referred to in paragraph 5(4) of Schedule 3 to the Act of 1965, Articles 32(8), 35(4) and 42(5) of the No. 1 Order and Article 5(1) of the No. 2 Order were substituted by S.R. 1989 No. 85

(*b*) as respects a dismissal where the relevant date (as defined in section 13(9)(**a**) (as modified by section 14) or section 13(10)(**a**) of the Act of 1965) falls after this Order comes into operation.

(2) The variation specified in item 2 of the table in the Schedule shall have effect as respects an employer's failure to comply with an order for reinstatement or re-engagement where the date (specified under Article 31(3)(*c*) or, as the case may be, Article 31(5)(*f*) of the No. 1 Order) by which the order must be complied with falls after this Order comes into operation.

(3) The variation specified in item 3 of the table in the Schedule shall have effect where the effective date of termination (as defined in Article 21(4) or, where applicable, Article 21(5)(**b**) or 21(6)(**b**) of the No. 1 Order) falls after this Order comes into operation.

(4) The variations specified in items 2 and 3 of the table in the Schedule shall likewise have effect where, in the case of a complaint presented under Article 6 of the Industrial Relations (Northern Ireland) Order 1982(**c**) (complaint of unreasonable exclusion or expulsion from a trade union), the date of the refusal of the application for, or the expulsion from, membership of a trade union, as the case may be, falls after this Order comes into operation.

(5) The variation specified in item 4 of the table in the Schedule shall have effect where the relevant date (as defined in Article 42(2)(**b**) of the No. 1 Order) falls after this Order comes into operation.

(6) The variation specified in item 5 of the table in the Schedule shall have effect as respects any day in respect of which an employee becomes entitled to a guarantee payment after this Order comes into operation.

(7) Nothing in this Order affects any limit otherwise than as provided by the foregoing provisions of this Article and accordingly the limits operative under the Order mentioned in Article 4 continue to apply in cases not falling within those provisions.

Revocation

4. Subject to Article 3(7), the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1989(**d**) is hereby revoked.

Sealed with the Official Seal of the Department of Economic Development on 28th February 1990.

(L.S.) *D. C. Gowdy*
Under Secretary

(**a**) As substituted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5 Part II
(**b**) As substituted by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3 paragraph 4
(**c**) S.I. 1982/528 (N.I. 8)
(**d**) S.R. 1989 No. 85

Table relating to variation of limits

Column 1 *Provision*	Column 2 *Nature of Limit*	Column 3 *New Figure*	Column 4 *Old Figure*
1. Paragraph 5(4) of Schedule 3 to the Act of 1965	Limit on amount of "a week's pay" for the purpose of calculating redundancy payment	£184·00	£172·00
2. Article 32(8) of the No. 1 Order	Limit on amount of "a week's pay" for the purpose of calculating additional award of compensation where employer fails to comply with order for reinstatement or re-engagement under Article 31 of the No. 1 Order	£184·00	£172·00
3. Article 35(4) of the No. 1 Order	Limit on amount of "a week's pay" for the purpose of calculating basic award compensation for unfair dismissal under Articles 34 and 35(**a**) of the No. 1 Order	£184·00	£172·00
4. Article 42(5) of the No. 1 Order	Limit on amount payable to an employee in respect of any debt mentioned in Article 42(3)(**b**) of the No. 1 Order where that debt is referable to a period of time	£184·00	£172·00
5. Article 5(1) of the No. 2 Order	Limit on amount of a guarantee payment payable to an employee in respect of any day	£ 12·65	£ 11·85

(**a**) Relevant amendments to Articles 34 and 35 were made by S.I. 1982/528 (N.I. 8) Article 11 and S.I. 1987/936 (N.I. 9) Articles 6, 23 and 25 and Schedule 2, Schedule 3 paragraph 4 and Schedule 4
(**b**) Amended by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3 paragraph 4

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 1st April 1990, increases certain of the limits under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 ("the Act of 1965"), the Industrial Relations (Northern Ireland) Order 1976 ("the No. 1 Order") and the Industrial Relations (No. 2) (Northern Ireland) Order 1976 ("the No. 2 Order"). The limits on the amount of "a week's pay" for the purposes of calculating a redundancy payment under the Act of 1965 and basic and additional awards of compensation for unfair dismissal under the No. 1 Order are increased from £172 to £184. The limit on the amount for the purpose of calculating the sum payable by the Department of Economic Development under Article 42 of the No. 1 Order in respect of a debt due to an employee whose employer becomes insolvent is likewise increased from £172 to £184. The limit on the amount of a guarantee payment under Article 5(1) of the No. 2 Order in respect of any day is increased from £11·85 to £12·65. (Article 2 and the Schedule.)

The Order contains transitional provisions whereby the increased limits only apply where the relevant date as defined in the appropriate legislation or, as the case may be, the effective date of termination etc., falls on or after 1st April 1990. (Article 3.)

The Order also revokes the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1989. (Article 4.)