1985 No. 279

INDUSTRIAL RELATIONS

Unfair Dismissal (Variation of Qualifying Period) Order (Northern Ireland) 1985

Made . . . . . *16th October 1985*

Coming into operation . . . *1st December 1985*

The Department of Economic Development(**a**), in exercise of the powers conferred on it by Articles 24(3) and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(**b**) ("the No. 1 Order") 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 Unfair Dismissal (Variation of Qualifying Period) Order (Northern Ireland) 1985 and shall come into operation on 1st December 1985.

Revocation

2. Subject to Article 5, the Unfair Dismissal (Variation of Qualifying Period) Order (Northern Ireland) 1979(**c**) is hereby revoked.

Variation of qualifying period and exclusion of operation of extended qualifying period

3.—(1) Subject to Article 5, Article 24(1)(*a*)(**d**) of the No. 1 Order is varied so that for the reference to "52 weeks"(**e**) there is substituted a reference to "104 weeks".

(2) Subject to Article 5, the operation of Article 24A(1)(**f**) of the No. 1 Order is excluded.

Incidental provision

4. Subject to Article 5, in Article 9(4)(**g**) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**h**), for the reference to "52 weeks"(**e**) there is substituted a reference to "104 weeks".

Transitional provision

5. The provisions of Articles 2 to 4 shall not have effect in any case where the period for which the employee has been continuously employed commenced before 1st December 1985.

(**a**) Formerly the Department of Manpower Services: *see* S.I. 1982/846 (N.I. 11) Article 3
(**b**) S.I. 1976/1043 (N.I. 16). Article 24(3) was amended by Article 23(1) of, and Schedule 2 to, the Industrial Relations (Northern Ireland) Order 1982 S.I. 1982/528 (N.I. 8)
(**c**) S.R. 1979 No. 307
(**d**) Article 24(1) was amended by Article 2 of S.R. 1979 No. 307 and Article 23(2) of, and Schedule 3 to, the Industrial Relations (Northern Ireland) Order 1982 S.I. 1982/528 (N.I. 8)
(**e**) As substituted by S.R. 1979 No. 307
(**f**) Article 24A was inserted by Article 10(1) of the Industrial Relations (Northern Ireland) Order 1982 S.I. 1982/528 (N.I. 8); it provides for an extended qualifying period of two years for employees whose employer has 20 or fewer employees
(**g**) As amended by Article 3(2) of S.R. 1979 No. 307 and Article 56(1) of, and Schedule 6 to, the Health and Safety at Work (Northern Ireland) Order 1978 S.I. 1978/1039 (N.I. 9)
(**h**) S.I. 1976/2147 (N.I. 28)

Sealed with the Official Seal of the Department of Economic Development on 16th October 1985.

(L.S.) *R. Wilson*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 1st December 1985, varies the qualifying period of continuous employment for the right to complain to an industrial tribunal of unfair dismissal from 52 weeks to 104 weeks and excludes the operation of Article 24A(1) of the Industrial Relations (Northern Ireland) Order 1976 which provides for an extended qualifying period of two years for those employed by employers who have twenty or fewer employees. The variation and exclusion will apply to all employees whose period of continuous employment begins on or after 1st December 1985. For employees whose period of continuous employment begins before 1st December 1985 the qualifying period of 52 weeks, and the extended qualifying period of two years for those employed by employers who have twenty or fewer employees, will continue to apply.

This Order revokes the Unfair Dismissal (Variation of Qualifying Period) Order (Northern Ireland) 1979, with a saving for employees whose period of continuous employment begins before 1st December 1985.