
STATUTORY INSTRUMENTS

1992 No. 807

The Industrial Relations (Northern Ireland) Order 1992

PART XI

**MACHINERY FOR PROMOTING
IMPROVEMENT OF INDUSTRIAL RELATIONS**

The Industrial Court

Constitution of the Industrial Court

91.—(1) There shall continue to be an Industrial Court which shall consist of—

- (a) an independent president appointed by the Head of the Department; and
- (b) other members appointed by the Head of the Department, being persons appearing to him to be experienced in industrial relations.

(2) The members appointed under paragraph (1)(b) shall include some persons whose experience is as representatives of employers and some persons whose experience is as representatives of workers.

(3) The members of the Court shall hold and vacate office in accordance with their terms of appointment.

(4) The functions of the president may, if he is for any reason unable to act or during any vacancy in his office, be discharged by an independent person nominated for that purpose by the Head of the Department.

(5) The Department shall pay to the members of the Court such remuneration and such travelling and other allowances as may be determined by the Department with the approval of the Department of Finance and Personnel and may pay to any other persons such allowances as the Department may, with the approval of the Department of Finance and Personnel, determine for the purposes of, or in connection with, their attendance at proceedings of the Court.

(6) For the purposes of discharging any of its functions, the Court shall consist of such of the members of the Court as the president may direct.

(7) Where the president sits as a member of the Court he shall be chairman of the Court, and in any other case the chairman of the Court shall be such other member as the Head of the Department may direct.

(8) The functions of the Court shall be performed on behalf of the Crown, but the Court shall not be subject to directions of any kind from any Minister of the Crown or Northern Ireland department as to the manner in which it is to exercise any of its functions.

Procedure of the Industrial Court

92.—(1) The Department may make, or authorise the Industrial Court to make, rules regulating the procedure of the Court and such rules may provide—

- (a) for references in certain cases to a single member of the Court;
 - (b) for the Court to sit in two or more divisions;
 - (c) for the Court to sit with assessors;
 - (d) for the Court, or any division of the Court, to act notwithstanding any vacancy in its number;
 - (e) for enabling questions as to the interpretation of any award to be settled without any fresh reference;
 - (f) for the cases in which persons may appear by counsel or solicitor in proceedings before the Court.
- (2) Except as provided by rules under paragraph (1)(f), no person shall be entitled to appear in any proceedings before the Court by counsel or solicitor.
- (3) If in any case the Court cannot reach a unanimous decision on its award, the chairman shall decide the matter acting with the full powers of an umpire.
- (4) Where any trade dispute referred to the Court under Article 84(2)(e) involves questions as to wages or as to hours of work or otherwise as to the terms and conditions of or affecting employment which are regulated by any statutory provision, the Court shall not make any award which is inconsistent with that statutory provision.
- (5) The Arbitration Act (Northern Ireland) 1937(1) shall not apply to any reference to the Court.
- (6) Subject to paragraphs (1) to (5), the Court shall determine its own procedure.