
STATUTORY INSTRUMENTS

1996 No. 1921

The Industrial Tribunals (Northern Ireland) Order 1996

Recoupment of social security benefits

Power to provide for recoupment of benefits

18.—(1) This Article applies to payments which are the subject of proceedings before industrial tribunals and which are—

- (a) payments of wages or compensation for loss of wages,
- (b) payments by employers to employees under any of the following provisions of the Employment Rights Order—
 - (i) Part V (guarantee payments);
 - (ii) Part VI (protection from detriment, etc. in employment);
 - (iii) Part VII (time off work);
 - (iv) Part VIII (suspension from work);
 - (v) Article 125 (written statement of reasons for dismissal);
 - (vi) Part XI (unfair dismissal);
 - (vii) Article 220 (handling of redundancies); ^{F1}...
- (c) payments by employers to employees of a nature similar to, or for a purpose corresponding to the purpose of, payments within sub-paragraph (b), ^{F2}or
- (d) payments by employers to employees under regulation 5, 6 or 9 of the Employment Relations (Northern Ireland) Order 1999 (Blacklists) Regulations (Northern Ireland) 2014,]

and to payments of remuneration under a protective award under Article 217 of the Employment Rights Order.

(2) The Department and the Department of Health and Social Services (acting jointly) may by regulations make with respect to payments to which this Article applies provision for any or all of the purposes specified in paragraph (3).

(3) The purposes referred to in paragraph (2) are—

- ^{F3}(a) enabling the Department of Health and Social Services to recover from an employer, by way of total or partial recoupment of [^{F4}universal credit,] jobseeker's allowance [^{F5}, income support or income-related employment and support allowance]—
 - (i) a sum not exceeding the amount of the prescribed element of the monetary award, or
 - (ii) in the case of a protective award, the amount of the remuneration,
- (b) requiring or authorising an industrial tribunal to order the payment of such a sum, by way of total or partial recoupment of [^{F6}universal credit,][^{F7}jobseeker's allowance, income support or income-related employment and support allowance], to the Department of Health and Social Services instead of to an employee, and

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- ^{F8}(c) requiring an industrial tribunal to order the payment to an employee of only the excess of the prescribed element of the monetary award over the amount of any [^{F9}universal credit,] jobseeker's allowance [^{F10}, income support or income-related employment and support allowance] shown to the tribunal to have been paid to the employee and enabling the Department of Health and Social Services to recover from the employer, by way of total or partial recoupment of the benefit, a sum not exceeding that amount.
- (4) Regulations under this Article may—
- (a) confer powers and impose duties on industrial tribunals or^{F11} . . . other persons,
- (b) impose on an employer to whom a monetary award or protective award relates a duty—
- (i) to furnish particulars connected with the award, and
- (ii) to suspend payments in pursuance of the award during any period prescribed by the regulations,
- (c) provide for an employer who pays a sum to the Department of Health and Social Services in pursuance of this Article to be relieved from any liability to pay the sum to another person,
- ^{F12}(cc) provide for the determination by the Department of Health and Social Services of any issue arising as to the total or partial recoupment in pursuance of the regulations of [^{F13}universal credit,] a jobseeker's allowance, unemployment benefit [^{F14}, income support or income-related employment and support allowance],
- ^{F15}(d) confer on an employee a right of appeal to an appeal tribunal constituted under Chapter I of Part II of the Social Security (Northern Ireland) Order 1998 against any decision of the Department of Health and Social Services on any such issue, and]
- ^{F16}(e) provide for the proof in proceedings before industrial tribunals (whether by certificate or in any other manner) of any amount of [^{F17}universal credit,] jobseeker's allowance [^{F18}, income support or income-related employment and support allowance] paid to an employee.

- F1** Word in art. 18(1)(b) omitted (6.4.2014) by [The Employment Relations \(Northern Ireland\) Order 1999 \(Blacklists\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/88\)](#), **regs. 1**, 17(3)(a)
- F2** Art. 18(1)(d) and word inserted (6.4.2014) by [The Employment Relations \(Northern Ireland\) Order 1999 \(Blacklists\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/88\)](#), **regs. 1**, 17(3)(b)
- F3** By [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. 34(1), 36(2), **Sch. 4 Pt. 1** (with s. 9(3)) it is provided that in art. 18(3)(a) the words "or income support" are repealed (prosp.)
- F4** Words in art. 18(3)(a) inserted (coming into operation in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), **regs. 1(1)**, 9(2)(a)
- F5** Words in art. 18(3)(a) substituted (1.7.2008 for certain purposes, otherwise 27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), **Sch. 3 para. 9(2)(a)**; S.R. 2008/276, **art. 2(2)(c)**, Sch. Pt. 1
- F6** Words in art. 18(3)(b) inserted (coming into operation in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), **regs. 1(1)**, 9(2)(a)
- F7** Words in art. 18(3)(b) substituted (1.7.2008 for certain purposes, otherwise 27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), **Sch. 3 para. 9(2)(b)**; S.R. 2008/276, **art. 2(2)(c)**, Sch. Pt. 1
- F8** By [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. 34(1), 36(2), **Sch. 4 Pt. 1** (with s. 9(3)) it is provided that in art. 18(3)(c) the words "or income support" are repealed (prosp.)

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- F9** Words in art. 18(3)(c) inserted (coming into operation in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), [regs. 1\(1\), 9\(2\)\(a\)](#)
- F10** Words in art. 18(3)(c) substituted (1.7.2008 for certain purposes, otherwise 27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), [Sch. 3 para. 9\(2\)\(a\)](#); S.R. 2008/276, [art. 2\(2\)\(c\)](#), Sch. Pt. 1
- F11** 1998 NI 10
- F12** 1998 NI 10
- F13** Words in art. 18(4)(cc) inserted (coming into operation in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), regs. 1(1), [9\(3\)](#)
- F14** Words in art. 18(4)(cc) substituted (1.7.2008 for certain purposes, otherwise 27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), [Sch. 3 para. 9\(2\)\(a\)](#); S.R. 2008/276, [art. 2\(2\)\(c\)](#), Sch. Pt. 1
- F15** By [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. 34(1), 36(2), [Sch. 4 Pt. 1](#) (with s. 9(3)) it is provided that in art. 18(4)(d) the words "or of income support" are repealed (prosp.)
- F16** By [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), ss. 34(1), 36(2), [Sch. 4 Pt. 1](#) (with s. 9(3)) it is provided that in art. 18(4)(e) the words "or income support" are repealed (prosp.)
- F17** Words in art. 18(4)(e) inserted (coming into operation in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), regs. 1(1), [9\(2\)\(b\)](#)
- F18** Words in art. 18(4)(e) substituted (1.7.2008 for certain purposes, otherwise 27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), [Sch. 3 para. 9\(2\)\(a\)](#); S.R. 2008/276, [art. 2\(2\)\(c\)](#), Sch. Pt. 1

Changes to legislation:

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Changes and effects yet to be applied to :

- art. 18(3)(a) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 18(3)(c) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 18(4)(d) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 20(1)(c)(via) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 13](#)