

STATUTORY INSTRUMENTS

1998 No. 3162

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART IX

THE FAIR EMPLOYMENT TRIBUNAL

Constitution

The Fair Employment Tribunal

81.—(1) The Department shall by regulations provide for the establishment of a tribunal, to be known as the Fair Employment Tribunal for Northern Ireland, to exercise the jurisdiction conferred on it by this Order^[F1] or any other statutory provision].

(2) Regulations under this Article may provide for the jurisdiction of the Tribunal to be exercised by a single tribunal or by two or more tribunals.

F1 2003 NI 15

President, Vice-President and Chairmen

82.—(1) There shall continue to be—

- (a) a President of the Industrial Tribunals and the Fair Employment Tribunal;
- (b) a Vice-President of the Industrial Tribunals and the Fair Employment Tribunal; and
- (c) a panel of chairmen of the Fair Employment Tribunal,

who shall each be appointed by the^[F2]Northern Ireland Judicial Appointments Commission] and shall exercise the functions respectively conferred on them by or under this Order or any other statutory provision.

^[F3](2) A person is not qualified for appointment under paragraph (1) unless —

- (a) he is a barrister-at-law or solicitor of at least 7 years' standing;
- (b) he has a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41); or
- (c) he is an advocate or solicitor admitted in Scotland of at least 7 years' standing.]

(3) The President and Vice-President may each resign his office at any time by notice in writing to the^[F4]Northern Ireland Judicial Appointments Commission] and shall each vacate his office on the day on which he attains the age of ^[F5]75]

(4) ^{F6}.....

(5) A person appointed under paragraph (1)(c) to a panel of chairmen shall hold and vacate office as provided by or under regulations under Article 81 ^[F7] and regulations under that Article may provide that a person so appointed may be referred to as an employment judge] .

(6) The functions of the President or Vice-President may, if he is for any reason unable to act or during a vacancy in his office, be discharged by a person nominated for that purpose by the^[F8]Northern Ireland Judicial Appointments Commission].

(7) Regulations under Article 81 may provide for specified functions of the President and Vice-President (including functions under Articles 17 and 85) to be exercised in specified circumstances by a person appointed, under paragraph (1)(c), to a panel of chairmen.

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| F2 | Words in art. 82(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 32 (with Sch. 5 para. 16); S.I. 2010/812, art. 2 |
| F3 | Art. 82(2) substituted (15.1.2006) by Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005 (S.I. 2005/3424 (N.I. 20)), arts. 1(2), 3 |
| F4 | Words in art. 82(3) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 32 (with Sch. 5 para. 16); S.I. 2010/812, art. 2 |
| F5 | Word in art. 82(3) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), Sch. 1 para. 32 (with Sch. 1 para. 43) |
| F6 | Art. 82(4) repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2006/124, art. 2 , Sch. paras. 9, 11(1) |
| F7 | Words in art. 82(5) added (27.1.2020) by Employment Act (Northern Ireland) 2016 (c. 15), ss. 12, 29(2) ; S.R. 2020/1, art. 2(h) |
| F8 | Words in art. 82(6) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 32 (with Sch. 5 para. 16); S.I. 2010/812, art. 2 |

Remuneration and allowances

83.—(1) The Department may pay to members of the Tribunal (other than the President and the Vice-President) such remuneration, fees and allowances as it may, with the consent of the Department of Finance and Personnel, determine.

(2) The Department may pay to any other persons such allowances as it may, with the consent of the Department of Finance and Personnel, determine for the purposes of, or in connection with, their attendance at the Tribunal.

Changes to legislation:

There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Cross Heading: Constitution.