

---

STATUTORY INSTRUMENTS

---

**2003 No. 2902**

**The Employment (Northern Ireland) Order 2003**

**PART II**

**INDUSTRIAL TRIBUNAL REFORM**

**Costs, expenses and allowances**

**8.—**(1) In Article 15 of the Industrial Tribunals Order (costs and expenses), for paragraph (1) there shall be substituted—

“(1) Industrial tribunal procedure regulations may include provision—

- (a) for the award of costs or expenses;
- (b) for the award of any allowances payable under Article 7(2)(c) or (3).

(1A) Regulations under paragraph (1) may include provision authorising an industrial tribunal to have regard to a person’s ability to pay when considering the making of an award against him under such regulations.

(1B) Industrial tribunal procedure regulations may include provision for authorising an industrial tribunal—

- (a) to disallow all or part of the costs or expenses of a representative of a party to proceedings before it by reason of that representative’s conduct of the proceedings;
- (b) to order a representative of a party to proceedings before it to meet all or part of the costs or expenses incurred by a party by reason of the representative’s conduct of the proceedings;
- (c) to order a representative of a party to proceedings before it to meet all or part of any allowances payable by the Department under Article 7(2)(c) or (3) by reason of the representative’s conduct of the proceedings.

(1C) Industrial tribunal procedure regulations may also include provision for taxing or otherwise settling the costs or expenses referred to in paragraph (1)(a) or (1B)(b) (and, in particular for enabling such costs to be taxed in the county court).”.

(2) After that Article there shall be inserted—

**“Payments in respect of preparation time**

**15A.—**(1) Industrial tribunal procedure regulations may include provision for authorising an industrial tribunal to order a party to proceedings before it to make a payment to any other party in respect of time spent in preparing that other party’s case.

(2) Regulations under paragraph (1) may include provision authorising an industrial tribunal to have regard to a person’s ability to pay when considering the making of an order against him under such regulations.

(3) If industrial tribunal procedure regulations include—

- (a) provision of the kind mentioned in paragraph (1); and
  - (b) provision of the kind mentioned in Article 15(1)(a),
- they shall also include provision to prevent an industrial tribunal exercising its powers under both kinds of provision in favour of the same person in the same proceedings.”.