

1976 No. 286

INDUSTRIAL TRIBUNALS**Industrial Tribunals Awards (Enforcement in case of Death)
Regulations (Northern Ireland) 1976***Made* 1st October 1976*Coming into operation* 29th October 1976

The Department of Manpower Services, in exercise of the powers conferred by paragraph 3(2) of Schedule 4 to the Industrial Relations (Northern Ireland) Order 1976(a) and paragraph 21A(2) of Schedule 5 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Industrial Tribunals Awards (Enforcement in case of Death) Regulations (Northern Ireland) 1976 and shall come into operation on 29th October 1976.

Interpretation

2. In these Regulations—

“the Act of 1965” means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965, as amended by the Industrial Relations (Northern Ireland) Order 1976;

“the Order of 1976” means the Industrial Relations (Northern Ireland) Order 1976;

“employer” includes a successor of an employer or a personal representative of a deceased employer;

“the estate” means the estate of the deceased employee;

“the relevant provisions” means the provisions of the Act of 1965 and the Order of 1976 (including Schedule 4 thereto) conferring rights on employees, or connected therewith, relating to unfair dismissal.

Application of Regulations

3. Where there is no personal representative of a deceased employee in proceedings arising under any of the relevant provisions in which an industrial tribunal makes any award, the terms of the award and the manner of its enforcement shall be governed by these Regulations.

Terms of the award

4. Where, in proceedings before an industrial tribunal arising under any of the relevant provisions, either—

(a) S.I. 1976/1043 (N.I. 16) coming into operation on the 1st October 1976; see S.R. 1976 No. 218 (C. 11)

(b) 1965 c. 19 (N.I.)

(a) a person has been appointed under paragraph 3(1) of Schedule 4 to the Order of 1976 or paragraph 21A(1) of Schedule 5 to the Act of 1965 to institute or continue those proceedings on behalf of the estate; or

(b) an employee who is a party to those proceedings dies before the tribunal's award is made,

any award of the tribunal shall be made in favour of the estate.

Enforcement by person appointed

5. Where any person is appointed under paragraph 3(1) of Schedule 4 to the Order of 1976 or paragraph 21A(1) of Schedule 5 to the Act of 1965 to enforce an award made by an industrial tribunal in favour of the estate, or, as the case may be, in favour of an employee who has since died, that person may enforce such award on behalf of the estate without the grant of letters of administration or probate of any will and the receipt of that person shall be a sufficient discharge to the employer for any sum payable to the estate under that award.

Enforcement in other cases

6. Where Regulation 5 does not apply, any award made in favour of the estate or in favour of an employee who has since died shall be enforceable on behalf of the estate by the person to whom a grant of letters of administration or probate is made in respect of that estate.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 1st October 1976.

(L.S.)

D. J. Perham

Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which come into operation on 29th October 1976, enable an industrial tribunal to order any amount under an award relating to redundancy payments or unfair dismissal to be paid by the employer to the person appointed by the tribunal for the benefit of the estate of the deceased employee. They also enable such person to enforce any such award for the benefit of the estate of the deceased employee without letters of administration or probate of any will.