

1989 No. 444

FAIR EMPLOYMENT

Fair Employment Tribunal Regulations (Northern Ireland) 1989

Made 23rd November 1989

Coming into operation 1st January 1990

The Department of Economic Development(a), in exercise of the powers conferred on it by sections 2(1) and (2), 3(5) and (7) and 5(1) and (2) of the Fair Employment (Northern Ireland) Act 1989(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 Fair Employment Tribunal Regulations (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Act of 1989” means the Fair Employment (Northern Ireland) Act 1989;

“the Department” means the Department of Economic Development;

“panel of chairmen” means the panel of chairmen of the Fair Employment Tribunal appointed in accordance with section 3(1)(c) of the Act of 1989;

“the President” means the President of the Industrial Tribunals and the Fair Employment Tribunal or a person nominated by the Lord Chancellor under section 3(6) of the Act of 1989 to discharge the functions of the President;

“the Vice-President” means the Vice-President of the Industrial Tribunals and the Fair Employment Tribunal or a person nominated by the Lord Chancellor under section 3(6) of the Act of 1989 to discharge the functions of the Vice-President.

(a) Formerly the Department of Manpower Services for Northern Ireland; see S.I. 1982/846 (N.I. 11) Article 3

(b) 1989 c. 32

(c) 1954 c. 33 (N.I.)

Establishment and membership of the Fair Employment Tribunal for Northern Ireland

3.—(1) There shall be established a Tribunal, to be known as the Fair Employment Tribunal for Northern Ireland, to exercise the jurisdiction conferred on it by the Fair Employment (Northern Ireland) Acts.

- (2) The Fair Employment Tribunal for Northern Ireland shall consist of—
- (a) the President;
 - (b) the Vice-President;
 - (c) the panel of chairmen;
 - (d) a panel of up to 50 members appointed by the Department after consultation with any organisation or association of organisations representative of employers; and
 - (e) a panel of up to 50 members appointed by the Department after consultation with any organisation or association of organisations representative of employed persons.

(3) The jurisdiction of the Fair Employment Tribunal for Northern Ireland shall be exercised by a single tribunal or, if the President or Vice-President so directs, by two or more tribunals and such tribunals shall sit at such times and in such places as the President or Vice-President may from time to time determine.

(4) Subject to rule 12(5) of Schedule 1, rule 11(4) of Schedule 2 and rule 10(4) of Schedule 3 to the Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 1989(a), a tribunal exercising the jurisdiction of the Fair Employment Tribunal for Northern Ireland shall consist of a chairman and two other members, but in the absence of any one member other than the chairman a hearing may, with the consent of the parties, take place in the absence of such member and in that event the tribunal shall be deemed to be properly constituted.

(5) For each hearing the chairman shall be the President or Vice-President or a person selected by the President or Vice-President from the panel of chairmen.

(6) For each hearing the two members of the tribunal other than the chairman shall be selected by the President or Vice-President as to one member from the panel of members constituted under paragraph (2)(d) and as to the other member from the panel of members constituted under paragraph (2)(e).

(7) The President or Vice-President may at any time select from the appropriate panel another person in substitution for the chairman or other member of a tribunal previously selected.

Terms of appointment

4.—(1) Members of the panel of chairmen shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Lord Chancellor.

(a) S.R. 1989 No. 445

(2) Members of the panels constituted under regulation 3(2)(d) and (e) shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Department; and any such member who ceases to hold office shall be eligible for reappointment.

Exercise of President's or Vice-President's functions by a chairman

5. Subject to section 3(6) of the Act of 1989 the President or Vice-President may direct that if he is absent or unavailable a person appointed to the panel of chairmen may exercise his functions under regulation 3(3), (6) and (7), sections 6 and 17 of the Act of 1989 and his power of selection under regulation 3(5).

Sealed with the Official Seal of the Department of Economic Development on 23rd November 1989.

(L.S.)

D. C. Gowdy

Under Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide:—

- (a) for the establishment and membership of the Fair Employment Tribunal for Northern Ireland (regulation 3(1) and (2));
- (b) for the jurisdiction of the Fair Employment Tribunal for Northern Ireland to be exercised by a single tribunal or, if the President of the Industrial Tribunals and the Fair Employment Tribunal ("the President") or the Vice-President of the Industrial Tribunals and the Fair Employment Tribunal ("the Vice-President") so directs, by two or more tribunals (regulation 3(3));
- (c) for the membership of tribunals exercising the jurisdiction of the Fair Employment Tribunal for Northern Ireland (regulation 3(4) to (7));
- (d) for the terms of appointment of members of the Fair Employment Tribunal for Northern Ireland other than the President and the Vice-President (regulation 4); and
- (e) for specified functions of the President or Vice-President to be exercised by a member of the panel of chairmen of the Fair Employment Tribunal if the President or Vice-President is absent or unavailable (regulation 5).