

2011 No. 237

INDUSTRIAL RELATIONS

**The Industrial Court (Membership) Regulations (Northern
Ireland) 2011**

Made - - - - *23rd June 2011*

Coming into operation - *31st July 2011*

The Department for Employment and Learning^(a), in exercise of the powers conferred by Article 91A(1) and (2) of the Industrial Relations (Northern Ireland) Order 1992^(b), and now vested in it^(c), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Industrial Court (Membership) Regulations (Northern Ireland) 2011 and shall come into operation on 31st July 2011.

The members of the Industrial Court

2.—(1) The Court shall consist of members appointed by the Department.

(2) The Department shall appoint a chairman, and may appoint a deputy chairman, both of whom shall, on appointment, become members of the Court.

(3) The Department shall appoint as other members only persons experienced in industrial relations, and they shall include some persons whose experience is as representatives of employers and some whose experience is as representatives of workers.

(4) The Department shall consult with the Agency and may consult other persons about the arrangements for making an appointment under paragraph (2) or (3).

(5) At any time when the chairman of the Court is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman, the deputy chairman, if any, may perform any of the functions of chairman of the Court.

(6) At any time when the chairman or deputy chairman is absent or otherwise incapable of acting, or there is no such person, such member of the Court as the Department may direct may perform any of the functions of the chairman of the Court.

Terms of appointment of members of the Industrial Court

3.—(1) The members of the Court shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.

(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)

(b) S.I. 1992/807 (N.I. 5); Article 91A was substituted by Article 25 of the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)); Article 91A(1) and (2) was substituted by section 3 of the Employment Act (Northern Ireland) 2010 (c. 12 (N.I.))

(c) *See* S.R. 1999 No. 481

(2) A person shall not be appointed for a term exceeding five years, but previous membership does not affect eligibility for re-appointment.

(3) A member may at any time resign his membership, and the chairman or a deputy chairman may at any time resign his office as such, by notice in writing to the Department.

(4) If the Department is satisfied that a member—

- (a) has become bankrupt or made an arrangement with his creditors, or
- (b) is incapacitated by physical or mental illness, or
- (c) is otherwise unable or unfit to discharge the functions of a member,

the Department may declare his office as a member to be vacant and shall notify the declaration in such manner as it thinks fit, whereupon the office shall become vacant.

(5) The Department may, by notice in writing, suspend the appointment of a member pending investigations in relation to paragraph (4)(c).

(6) If the chairman or deputy chairman ceases to be a member of the Court, he shall also cease to be chairman or, as the case may be, deputy chairman.

(7) Subject to paragraphs (3) to (6), any member holding office on 31st July 2011 shall continue to hold office until 31st March 2013.

Sealed with the Official Seal of the Department for Employment and Learning on 23rd June 2011.



Dr. Stephen Farry
Minister for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 91A(1) and (2) of the Industrial Relations (Northern Ireland) Order 1992, as amended, provides for regulations in relation to the membership of the Industrial Court (the “Court”). This is the first use of this enabling power.

The Court is a non-departmental tribunal body whose main function is to adjudicate on applications relating to the statutory recognition or derecognition of trade unions for collective bargaining purposes, where this cannot be agreed voluntarily.

These Regulations specify the arrangements in relation to the appointment of members of the Court and their terms of appointment. The Regulations include provision for the appointment of a chairman, deputy chairman and other members of the Court, for the removal and suspension of members in certain specified circumstances and for the members to hold and vacate office in accordance with their terms of appointment.

An impact assessment has not been produced for this statutory rule as no impact on the private or voluntary sectors is foreseen.

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