

EXPLANATORY MEMORANDUM TO

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

S.R. 2011 No. 237

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Employment and Learning to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 91A of the Industrial Relations (Northern Ireland) Order 1992 (the "1992 Order") as amended by section 3 of the Employment Act (Northern Ireland) 2010 (the ("2010 Act") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. Article 91A(1) and (2) of the 1992 Order, as amended by section 3 of the 2010 Act, provides for regulations in relation to the membership of the Industrial Court ("the Court"). These Regulations specify, for the purpose of those provisions, 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 members of the Court, for the removal or suspension of members in certain specified circumstances, and for the members to hold and vacate office in accordance with their terms of appointment.

3. Background

- 3.1. Prior to the amendments to Article 91A of the 1992 Order, by section 3 of the 2010 Act, the legislation relating to the Court's appointments process was wholly enshrined in primary legislation. This was too restrictive in that even a minor modification would require an appropriate legislative vehicle to enact and could only be achieved over a lengthy timescale. More flexible regulation-making powers in relation to Court appointments were therefore introduced via the 2010 Act.

4. Consultation

- 4.1. The new regulation-making powers in relation to Court appointments, were previously consulted upon as part of the Public Authorities Reform Order from 24 January to 20 April 2007. Three responses were received with the Industrial Court welcoming the provision of regulation-making powers. The members of the Court have also been consulted on the detail of the Regulations. The Department has also consulted with the Labour Relations Agency in line with statutory requirements.

5. Equality Impact

- 5.1. An Impact Assessment has not been prepared for this Statutory Rule, as it does not impose any additional regulatory obligation on the private or voluntary sectors.

6. Regulatory Impact

- 6.1. An Impact Assessment has not been prepared for this Statutory Rule, as it does not impose any additional regulatory obligation on the private or voluntary sectors.

7. Financial Implications

- 7.1. None

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This legislation complies with section 24 of the NI Act 1998 (Community Law, Convention Rights etc.).

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable