
STATUTORY INSTRUMENTS

1996 No. 1921

The Industrial Tribunals (Northern Ireland) Order 1996

Procedure

Conduct of hearings

8.—(1) A person Procedure may appear before an industrial tribunal in person or be represented by—

- (a) counsel or a solicitor,
- (b) a representative of a trade union or an employers' association, or
- (c) any other person whom he desires to represent him.

(2) Part I of the Arbitration Act 1996 does not apply to any proceedings before an industrial tribunal.

Industrial tribunal procedure regulations

9.—(1) The Department may by regulations (“industrial tribunal procedure regulations”) make such provision as appears to it to be necessary or expedient with respect to proceedings before industrial tribunals.

(2) Proceedings before industrial tribunals shall be instituted in accordance with industrial tribunal procedure regulations.

(3) Industrial tribunal procedure regulations may, in particular, include provision—

- (a) for determining by which tribunal any proceedings are to be determined,
- (b) for enabling an industrial tribunal to hear and determine proceedings brought by virtue of Article 5 concurrently with proceedings brought before the tribunal otherwise than by virtue of that Article,
- (c) for treating the Department (either generally or in such circumstances as may be prescribed by the regulations) as a party to any proceedings before an industrial tribunal (where it would not otherwise be a party to them) and entitling it to appear and to be heard accordingly,
- (d) for requiring persons to attend to give evidence and produce documents and for authorising the administration of oaths to witnesses,
- (e) for enabling an industrial tribunal, on the application of any party to the proceedings before it or of its own motion, to order such discovery or inspection of documents, or the furnishing of such further particulars, as might be ordered by a county court on application by a party to proceedings before it,
- (f) for prescribing the procedure to be followed in any proceedings before an industrial tribunal, including provisions—

Head (i) rep. by 1998 NI 8

[^{F1}(ia) for postponing fixing a time and place for a hearing, or postponing a time fixed for a hearing, for such period as may be determined in accordance with the regulations

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for the purpose of giving an opportunity for the proceedings to be settled by way of conciliation and withdrawn, and]

- (ii) for enabling an industrial tribunal to review its decisions, and revoke or vary its orders and awards, in such circumstances as may be determined in accordance with the regulations,
- (g) for the appointment of one or more assessors for the purposes of any proceedings before an industrial tribunal, where the proceedings are brought under a statutory provision which provides for one or more assessors to be appointed,
- (h) for authorising an industrial tribunal to require persons to furnish information and produce documents to a person required for the purposes of section 2A(1)(h) of the Equal Pay Act (Northern Ireland) 1970 to prepare a report, and
- (i) for the registration and proof of decisions, orders and awards of industrial tribunals.

[^{F1}(3ZA) Industrial tribunal procedure regulations may—

- (a) authorise the Department to prescribe, or prescribe requirements in relation to, any form which is required by such regulations to be used for the purpose of instituting, or entering an appearance to, proceedings before industrial tribunals;
- (b) authorise the Department to prescribe requirements in relation to documents to be supplied with any such form [^{F2}(including certificates issued under Article 20A(4))] , and
- (c) make provision about the publication of anything prescribed under authority conferred by virtue of this paragraph.]

[^{F3}

^{F4}(3A) Industrial tribunal procedure regulations may authorise the determination of proceedings without any hearing in such circumstances as the regulations may prescribe.]

[

^{F5}(3AA) Industrial tribunal procedure regulations under paragraph (3A) may only authorise the determination of proceedings without any hearing in circumstances where—

- (a) all the parties to the proceedings consent in writing to the determination without a hearing, or
- (b) the person (or, where more than one, each of the persons) against whom the proceedings are brought—
 - (i) has presented no response in the proceedings, or
 - (ii) does not contest the case.

(3AB) For the purposes of paragraph (3AA)(b), a person does not present a response in the proceedings if he presents a response but, in accordance with provision made by the regulations, it is not accepted.]

(3B) Industrial tribunal procedure regulations may authorise the determination of proceedings without hearing anyone other than the person or persons by whom the proceedings are brought (or his or their representatives) where—

- (a) the person (or, where more than one, each of the persons) against whom the proceedings are brought has done nothing to contest the case, or
- (b) it appears from the application made by the person (or, where more than one, each of the persons) bringing the proceedings that he is not (or they are not) seeking any relief which an industrial tribunal has power to give or that he is not (or they are not) entitled to any such relief.

(3C) Industrial tribunal procedure regulations may authorise the determination of proceedings without hearing anyone other than the person or persons by whom, and the person or persons against whom, the proceedings are brought (or his or their representatives) where—

- (a) an industrial tribunal is on undisputed facts bound by the decision of a court in another case to dismiss the case of the person or persons by whom, or of the person or persons against whom, the proceedings are brought, or
 - (b) the proceedings relate only to a preliminary issue which may be heard and determined in accordance with regulations under Article 11(4).]
- (4) A person who without reasonable excuse fails to comply with—
- (a) any requirement imposed by virtue of paragraph (3)(d) or(h),^{F3} . . .
 - (b) any requirement with respect to the discovery or inspection of documents imposed by virtue of paragraph (3)(e),^{F3} or]
 - ^{F3}(c) any requirement imposed by virtue of industrial tribunal procedure regulations to give written answers for the purpose of facilitating the determination of proceedings as mentioned in paragraph (3A), (3B) or (3C),]

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Subject to any regulations under Article 13(1)(a), industrial tribunal procedure regulations may include provision authorising or requiring an industrial tribunal, in circumstances specified in the regulations, to send notice or a copy of—

- (a) any document specified in the regulations which relates to any proceedings before the tribunal, or
- (b) any decision, order or award of the tribunal,

to any government department or other person or body so specified.

(6) Where in accordance with industrial tribunal procedure regulations an industrial tribunal determines in the same proceedings—

- (a) a complaint presented under Article 145 of the Employment Rights Order (unfair dismissal), and
- (b) a question referred under Article 198 of that Order (redundancy payments),

paragraph (2) of that Article has no effect for the purposes of the proceedings in so far as they relate to the complaint under Article 145.

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| F1 | 2003 NI 15 |
| F2 | Words in art. 9(3ZA)(b) inserted (27.1.2020) by Employment Act (Northern Ireland) 2016 (c. 15) , s. 29(2), Sch. 1 para. 2 ; S.R. 2020/1, art. 2(m) |
| F3 | 1998 NI 8 |
| F4 | 2003 NI 15 |
| F5 | Art. 9(3AA)(3AB) inserted (3.4.2011) by Employment Act (Northern Ireland) 2011 (c. 13) , ss. 5 , 17(1); S.R. 2011/159, art. 2 |

^{F6}Practice directions

9A.—(1) Industrial tribunal procedure regulations may include provision—

- (a) enabling the President to make directions about the procedure of industrial tribunals, including directions about the exercise by tribunals of powers under such regulations;
- (b) for securing compliance with such directions; and

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(c) about the publication of such directions.

(2) Industrial tribunal procedure regulations may, instead of providing for any matter, refer to provision made or to be made about that matter by directions made by the President.

(3) In this Article, “the President” means the President of the Industrial Tribunals and the Fair Employment Tribunal.]

F6 2003 NI 15

Procedure in contract cases

10.—(1) Where in proceedings brought by virtue of Article 5 an industrial tribunal finds that the whole or part of a sum claimed in the proceedings is due, the tribunal shall order the respondent to the proceedings to pay the amount which it finds due.

(2) An order under Article 5 may provide that an industrial tribunal shall not in proceedings in respect of a claim, or a number of claims relating to the same contract, order the payment of an amount exceeding such sum as may be specified in the order as the maximum amount which an industrial tribunal may order to be paid in relation to a claim or in relation to a contract.

(3) An order under Article 5 may include provisions—

- (a) as to the manner in which and time within which proceedings are to be brought by virtue of that Article, and
- (b) modifying any other statutory provision.

Pre-hearing reviews and preliminary matters

11.—(1) Industrial tribunal procedure regulations may include provision—

- ^{F7}(a) for authorising the carrying-out by an industrial tribunal of a preliminary consideration of any proceedings before it (a “pre-hearing review”), and
- (b) for enabling such powers to be exercised in connection with a pre-hearing review as may be prescribed by the regulations.

(2) Such regulations may in particular include provision—

- (a) for authorising any tribunal carrying out a pre-hearing review under the regulations to make, in circumstances specified in the regulations, an order requiring a party to the proceedings in question^{F8} ... to pay a deposit of an amount not exceeding [^{F9}£500][^{F10} as a condition of continuing to participate in those proceedings or doing such other thing as may be prescribed in the regulations], and
- (b) for prescribing—
 - (i) the manner in which the amount of any such deposit is to be determined in any particular case,
 - (ii) the consequences of non-payment of any such deposit, and
 - (iii) the circumstances in which any such deposit, or any part of it, may be refunded to the party who paid it or be paid over to another party to the proceedings.

[^{F11}(2A) Regulations under paragraph (1)(b), so far as relating to striking out, may not provide for striking out on a ground which does not apply outside a pre-hearing review.]

(3) The Department may by order substitute for the sum specified in paragraph (2)(a) such other sum as is specified in the order.

(4) Industrial tribunal procedure regulations may also include provision for authorising an industrial tribunal to hear and determine^[F12] separately any preliminary issue of a description prescribed by the regulations which is raised by any case.]

(5) Where a complaint is presented to an industrial tribunal under Article 145 of the Employment Rights Order (unfair dismissal) and it appears to the tribunal that the dismissal to which the complaint relates is one in respect of which (as being unlawful discrimination^[F13] or harassment) within the meaning of the^[F14] Fair Employment and Treatment (Northern Ireland) Order 1998]

- (a) a complaint could be made to the Fair Employment Tribunal for Northern Ireland under^[F14] Part VI of the Fair Employment and Treatment (Northern Ireland) Order 1998], or
- (b) such a complaint has been made, but the proceedings^[F14] under the Fair Employment and Treatment (Northern Ireland) Order 1998] have not been disposed of,

the tribunal shall not proceed further under the Employment Rights Order in relation to the complaint unless all proceedings which can be taken^[F14] under the Fair Employment and Treatment (Northern Ireland) Order 1998] in respect of the dismissal have been disposed of.

F7 prosp. subst. by 2003 NI 15

F8 Words in art. 11(2)(a) repealed (20.9.2021) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), ss. 4(1)(a), 29(2), [Sch. 3](#); S.R. 2021/253, art. 2(a)(h)

F9 SR 2004/157

F10 Words in art. 11(2)(a) added (20.9.2021) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), [ss. 4\(1\)\(b\)](#), 29(2); S.R. 2021/253, art. 2(a)

F11 2003 NI 15

F12 1998 NI 8

F13 SR 2003/341

F14 1998 NI 21

^[F15]National security

12.—(1) If on a complaint under—

[Article 74, 77A or 77B of the Employment Rights Order (inducements and detriments in^{F16}(a) respect of trade union membership etc.),]

- (b) Article 145 of that Order (unfair dismissal),

it is shown that the action complained of was taken for the purpose of safeguarding national security, the industrial tribunal shall dismiss the complaint.

(2) Industrial tribunal procedure regulations may make provision about the composition of the tribunal (including provision disapplying or modifying Article 6) for the purposes of proceedings in relation to which—

- (a) a direction is given under paragraph (3), or
- (b) an order is made under paragraph (4).

(3) A direction may be given under this paragraph by the Secretary of State if—

- (a) it relates to particular Crown employment proceedings, and
- (b) the Secretary of State considers it expedient in the interests of national security.

(4) An order may be made under this paragraph by the President of the Industrial Tribunals and the Fair Employment Tribunal in relation to particular proceedings if he considers it expedient in the interests of national security.

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(5) Industrial tribunal procedure regulations may make provision enabling the Secretary of State, if he considers it expedient in the interests of national security—

- (a) to direct a tribunal to sit in private for all or part of particular Crown employment proceedings;
- (b) to direct a tribunal to exclude the applicant from all or part of particular Crown employment proceedings;
- (c) to direct a tribunal to exclude the applicant's representatives from all or part of particular Crown employment proceedings;
- (d) to direct a tribunal to take steps to conceal the identity of a particular witness in particular Crown employment proceedings;
- (e) to direct a tribunal to take steps to keep secret all or part of the reasons for its decision in particular Crown employment proceedings.

[
^{F17}(6) Industrial tribunal procedure regulations may enable a tribunal, if it considers it expedient in the interests of national security, to do in relation to particular proceedings before it anything of a kind which, by virtue of paragraph (5), industrial tribunal procedure regulations may enable the Secretary of State to direct a tribunal to do in relation to particular Crown employment proceedings.]

(7) In relation to cases where a person has been excluded by virtue of paragraph (5)(b) or (c) or (6), industrial tribunal procedure regulations may make provision—

- (a) for the appointment by the Attorney General for Northern Ireland of a person to represent the interests of the applicant,
- (b) about the publication and registration of reasons for the tribunal's decision;
- (c) permitting an excluded person to make a statement to the tribunal before the commencement of the proceedings, or the part of the proceedings from which he is excluded.

(8) Proceedings are Crown employment proceedings for the purposes of this Article if the employment to which the complaint relates—

- (a) is Crown employment, or
- (b) is connected with the performance of functions on behalf of the Crown.]

F15 1999 NI 9

F16 2004 NI 19

F17 2004 NI 19

[^{F18}**Confidential information**

12A.—(1) Industrial tribunal procedure regulations may enable an industrial tribunal to sit in private for the purpose of hearing evidence from any person which in the opinion of the tribunal is likely to consist of—

- (a) information which he could not disclose without contravening a prohibition imposed by or by virtue of any statutory provision,
- (b) information which has been communicated to him in confidence or which he has otherwise obtained in consequence of the confidence reposed in him by another person, or
- (c) information the disclosure of which would, for reasons other than its effect on negotiations with respect to any of the matters mentioned in Article 96(1) of the Industrial Relations (Northern Ireland) Order 1992, cause substantial injury to any undertaking of his or in which he works.

(2) The reference in paragraph (1)(c) to any undertaking of a person or in which he works shall be construed, in relation to a person in Crown employment, as a reference to the national interest.]

F18 [1999 NI 9](#)

[^{F19} **Restriction of publicity in cases involving national security**

12B.—(1) This Article applies where a tribunal has been directed under Article 12(5) or has determined under Article 12(6)—

- (a) to take steps to conceal the identity of a particular witness, or
- (b) to take steps to keep secret all or part of the reasons for its decision.

(2) It is an offence to publish—

- (a) anything likely to lead to the identification of the witness, or
- (b) the reasons for the tribunal's decision or the part of its reasons which it is directed or has determined to keep secret.

(3) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Where a person is charged with an offence under this Article it is a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication in question was of, or included, the matter in question.

(5) A reference in this Article to publication includes a reference to inclusion in a programme which is included in a programme service, within the meaning of the Broadcasting Act 1990.]

F19 [1999 NI 9](#)

Restriction of publicity ^{F20} . . .

13.—[^{F21}(1) Industrial tribunal procedure regulations may include provision for cases to which this paragraph applies enabling an industrial tribunal, on the application of any party to proceedings before it or of its own motion, to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the decision of the tribunal.

(1A) Paragraph (1) applies to cases—

- (a) involving allegations of sexual misconduct;
- (b) where the disclosure of identifying matter would be likely to cause—
 - (i) an individual (whether a party to the proceedings or not) to be subjected to harassment;
 - (ii) such an individual, or any property of such an individual, to be placed at risk of injury or damage; or
- (c) where, in the opinion of the tribunal, the interests of justice otherwise require.

(1B) Industrial tribunal procedure regulations may include provision, for cases involving allegations of the commission of sexual offences, for securing that the registration or other making available of documents or decisions shall be so effected as to prevent the identification of any person affected by or making the allegation.]

(2) If any identifying matter is published or included in a relevant programme in contravention of a restricted reporting order—

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- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,
- (b) in the case of publication in any other form, the person publishing the matter, and
- (c) in the case of matter included in a relevant programme—
 - (i) any body corporate engaged in providing the service in which the programme is included, and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Where a person is charged with an offence under paragraph (2) it is a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or included, the matter in question.

(4) In this Article—

“identifying matter”, in relation to a person, means any matter likely to lead members of the public to identify [^{F22}a party to the proceedings in question or such other persons (if any) as may be named in the restricted reporting order],

“relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990,

“restricted reporting order” means an order—

- (a) made in exercise of a power conferred by regulations made by virtue of this Article, and
- (b) prohibiting the publication in Northern Ireland of identifying matter in a written publication available to the public or its inclusion in a relevant programme for reception in Northern Ireland,

“sexual misconduct” means the commission of a sexual offence, sexual harassment or other adverse conduct (of whatever nature) related to sex, and conduct is related to sex whether the relationship with sex lies in the character of the conduct or in its having reference to the sex or sexual orientation of the person at whom the conduct is directed,

“sexual offence” means—

- (a) rape, aiding, abetting, counselling or procuring rape or attempted rape, incitement to rape, conspiracy to rape or burglary with intent to rape;
- (b) any offence under any of the following statutory provisions, namely—
 - (i) section 52,^{F23} . . . of the Offences Against the Person Act 1861;
 - (ii) section 3, 4 or 5 of the Criminal Law Amendment Act 1885;
 - (iii) section 1 or 2 of the Punishment of Incest Act 1908;
 - (iv) section 22 of the Children and Young Persons Act (Northern Ireland) 1968;
 - (v) Article 9 of the Criminal Justice (Northern Ireland) Order 1980;
 - (vi) Article 122(1)(a) or (b) or 123 of the Mental Health (Northern Ireland) Order 1986;
 - (vii) [^{F23}Article 19, 20 or 21 of the Criminal Justice (Northern Ireland) Order 2003;]
 - (viii) [^{F24}any provision of Part 2, 3 or 4 of the Sexual Offences (Northern Ireland) Order 2008, or Article 65, 66, 67, 70, 71 [^{F25}, 71A, 71B, 72A] or 74 of that Order;]
- (c) any attempt to commit any of the offences mentioned in sub-paragraph (a) or (b);

“written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

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| <p>F20 Words in art. 13 heading omitted (3.4.2011) by virtue of Employment Act (Northern Ireland) 2011 (c. 13), ss. 6(2), 17(1); S.R. 2011/159, art. 2</p> <p>F21 Art. 13(1)(1A)(1B) substituted (3.4.2011) for art. 13(1) by Employment Act (Northern Ireland) 2011 (c. 13), ss. 6(3), 17(1); S.R. 2011/159, art. 2</p> <p>F22 Art. 13(4): words in definition of "identifying matter" substituted (3.4.2011) by Employment Act (Northern Ireland) 2011 (c. 13), ss. 6(4), 17(1); S.R. 2011/159, art. 2</p> <p>F23 2003 NI 13</p> <p>F24 By the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, Sch. 1 para. 25; S.R. 2008/510, art. 2 it is provided that in art. 13(5)(b) in the definition of "sexual offence", after para. (vii) insert (2.2.2009) para. (viii)</p> <p>F25 Words in art. 13(4)(b)(viii) inserted (27.11.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), s. 30(2), Sch. 1 para. 3; S.R. 2023/188, art. 3(b)</p> |
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Restriction of publicity in disability cases

14.—(1) This Article applies to proceedings on a complaint under^{F26} [section 17A or 25(8)] of the Disability Discrimination Act 1995 in which evidence of a personal nature is likely to be heard by the industrial tribunal hearing the complaint.

(2) Industrial tribunal procedure regulations may include provision in relation to proceedings to which this Article applies for—

- (a) enabling an industrial tribunal, on the application of the complainant or of its own motion, to make a restricted reporting order having effect (if not revoked earlier) until the promulgation of the decision of the tribunal, and
- (b) where a restricted reporting order is made in relation to a complaint which is being dealt with by the tribunal together with any other proceedings, enabling the tribunal to direct that the order is to apply also in relation to those other proceedings or such part of them as the tribunal may direct.

(3) If any identifying matter is published or included in a relevant programme in contravention of a restricted reporting order—

- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,
- (b) in the case of publication in any other form, the person publishing the matter, and
- (c) in the case of matter included in a relevant programme—

(i) any body corporate engaged in providing the service in which the programme is included, and

(ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Where a person is charged with an offence under paragraph (3), it is a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or included, the matter in question.

(5) In this Article—

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“evidence of a personal nature” means any evidence of a medical, or other intimate, nature which might reasonably be assumed to be likely to cause significant embarrassment to the complainant if reported,

“identifying matter” means any matter likely to lead members of the public to identify the complainant or such other persons (if any) as may be named in the order,

“promulgation” has such meaning as may be prescribed by regulations made by virtue of this Article,

“relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990,

“restricted reporting order” means an order—

- (a) made in exercise of a power conferred by regulations made by virtue of this Article, and
- (b) prohibiting the publication in Northern Ireland of identifying matter in a written publication available to the public or its inclusion in a relevant programme for reception in Northern Ireland, and

“written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

F26 SR 2004/55

Costs and expenses

15.—^{F27}(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) In relation to proceedings under Article 145 of the Employment Rights Order (unfair dismissal)—

- (a) where the employee has expressed a wish to be reinstated or re-engaged which has been communicated to the employer at least seven days before the hearing of the complaint,^{F28} . . .

Sub#para. (b) rep. by 1999 NI 9

industrial tribunal procedure regulations shall include provision for requiring the employer to pay the costs or expenses of any postponement or adjournment of the hearing caused by his failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the complainant was dismissed^{F28}. . . or of comparable or suitable employment.

F27 2003 NI 15

F28 1999 NI 9

[^{F29} **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.]

F29 2003 NI 15

Interest

16.—(1) The Department may by order made with the approval of the Department of Finance and Personnel provide that sums payable in pursuance of decisions of industrial tribunals shall carry interest at such rate and between such times as may be prescribed by the order.

(2) Any interest due by virtue of such an order shall be recoverable as a sum payable in pursuance of the decision.

(3) The power conferred by paragraph (1) includes power—

- (a) to specify cases or circumstances in which interest is not payable,
- (b) to provide that interest is payable only on sums exceeding a specified amount or falling between specified amounts,
- (c) to make provision for the manner in which and the periods by reference to which interest is to be calculated and paid,
- (d) to provide that any statutory provision—
 - (i) does or does not apply in relation to interest payable by virtue of paragraph (1), or
 - (ii) applies to it with such modifications as may be specified in the order,
- (e) to make provision for cases where sums are payable in pursuance of decisions or awards made on appeal from industrial tribunals.

(4) In particular, an order under paragraph (1) may provide that the rate of interest shall be the rate from time to time in force in relation to interest on amounts awarded by decree in the county court.

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Enforcement

17.—(1) Any sum payable in pursuance of a decision of an industrial tribunal which has been registered in accordance with industrial tribunal procedure regulations [^{F30}shall be enforceable as if it were payable under an order of the county court.]

(2) In this Article a reference to a decision of an industrial tribunal—

- (a) does not include a decision which, on being reviewed, has been revoked by the tribunal, and
- (b) in relation to a decision which on being reviewed, has been varied by the tribunal, shall be construed as a reference to the decision as so varied.

F30 Words in art. 17(1) substituted (3.4.2011) by [Employment Act \(Northern Ireland\) 2011 \(c. 13\), ss. 7, 17\(1\); S.R. 2011/159, art. 2](#)

Changes to legislation:

The Industrial Tribunals (Northern Ireland) Order 1996, Cross Heading: Procedure is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 20\(1\)\(c\)\(via\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 13](#)