2011 CHAPTER 13

Procedure: Fair Employment Tribunal

Powers of Fair Employment Tribunal in relation to matters within jurisdiction of industrial tribunals

11.—(1) Article 85 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21) is amended as follows.

(2) In paragraph (1) for sub-paragraphs (a) and (b) substitute—

"(a) a complaint could be made to an industrial tribunal by the complainant under any other statutory provision; or

(b) such a complaint has been made, but the proceedings in the industrial tribunal in relation to that complaint have not been disposed of.".

(3) In paragraph (3)(b) after "following" insert " (if otherwise relevant to the industrial tribunal proceedings) ".

Commencement Information

I1 S. 11 wholly in operation at 3.4.2011, see s. 17(1) and S.R. 2011/159, **art. 2** (subject to transitional provisions and savings in art. 3, Sch.)

Conciliation before bringing of proceedings

12 In the Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21), in Article 88(2) (conciliation) for the words from "paragraph (1)" to the end substitute " the Agency may endeavour to promote a settlement between the parties without proceedings being instituted. ".

Commencement Information

I2 S. 12 wholly in operation at 3.4.2011, see s. 17(1) and S.R. 2011/159, **art. 2** (subject to transitional provisions and savings in art. 3, Sch.)

Conciliation after bringing of proceedings

13 In the Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21), in Article 88 (conciliation), paragraph (1A) is repealed.

Commencement Information

I3 S. 13 wholly in operation at 3.4.2011, see s. 17(1) and S.R. 2011/159, **art. 2** (subject to transitional provisions and savings in art. 3, Sch.)

Recovery of sums payable under compromises involving the Agency

14 In the Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21), after Article 88 insert—

"**Conciliation: recovery of sums payable under compromises**

88A.—(1) Paragraphs (3) to (6) apply if—

(a) the Agency—

(i) has taken action under Article 88 in a case, and

(ii) issues a certificate in writing stating that a compromise has been reached in the case, and

(b) all of the terms of the compromise are set out—

(i) in a single relevant document, or

(ii) in a combination of two or more relevant documents.

(2) A document is a "relevant document" for the purposes of paragraph (1) if—

(a) it is the certificate, or

(b) it is a document that is referred to in the certificate or that is referred to in a document that is within this sub-paragraph.

(3) Any sum payable by a person under the terms of the compromise (a "compromise sum") shall, subject to paragraphs (4) to (7), be recoverable as if the sum were payable under an order of the Tribunal.

(4) A compromise sum is not recoverable under paragraph (3) if—

(a) the person by whom it is payable applies for a declaration that the sum would not be recoverable from him under the general law of contract, and

(b) that declaration is made.

(5) If county court rules so provide, a compromise sum is not recoverable under paragraph (3) during the period—

(a) beginning with the issue of the certificate, and

(b) ending at such time as may be specified in, or determined under, county court rules.

(6) If the terms of the compromise provide for the person to whom a compromise sum is payable to do anything in addition to discontinuing or not starting proceedings, that sum is recoverable by him under paragraph (3) only if a county court so orders.

(7) Once an application has been made for a declaration under paragraph (4) in relation to a sum, no further reliance may be placed on paragraph (3) for the recovery of the sum while the application is pending.

(8) An application for a declaration under paragraph (4) may be made to the Tribunal or a county court.

(9) Regulations under Article 84 may (in particular) make provision as to the time within which an application to the Tribunal for a declaration under paragraph (4) is to be made.

(10) County court rules may make provision as to—

(a) the time within which an application to a county court for a declaration under paragraph (4) is to be made;

(b) when an application (whether made to a county court or the Tribunal) for a declaration under paragraph (4) is pending for the purposes of paragraph (7).

(11) Nothing in this Article shall be taken to prejudice any rights or remedies that a person has apart from this Article.

(12) In this Article "compromise" (except in the phrase "compromise sum") means a settlement, or compromise, to avoid proceedings or bring proceedings to an end.".

Commencement Information

I4 S. 14 wholly in operation at 3.4.2011, see s. 17(1) and S.R. 2011/159, **art. 2** (subject to transitional provisions and savings in art. 3, Sch.)

Status:
Point in time view as at 03/04/2011.

Changes to legislation:
There are currently no known outstanding effects for the Employment Act (Northern Ireland) 2011, Cross Heading: Procedure: Fair Employment Tribunal.