

*These notes refer to the Employment Act (Northern Ireland)
2011 (c.13) which received Royal Assent on 22nd March 2011*

Employment Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5: Determination of industrial tribunal proceedings without hearing

28. Article 9(3A) of the Industrial Tribunals (Northern Ireland) Order 1996 (the Industrial Tribunals Order) provides that industrial tribunals may be authorised to decide cases without any hearing.
29. *Section 5* inserts new paragraphs (3AA) and (3AB) into Article 9 of the Industrial Tribunals Order, specifying that the industrial tribunal procedure for determining matters without a hearing can only occur where all the parties to the proceedings consent in writing to the process or where the person (or persons) against whom the proceedings are brought has presented no response or does not contest the case.
30. The change is intended to support a process for settling simple disputes, without the need for tribunal hearings, on the basis of documentation submitted to a tribunal.
31. The section ensures that tribunals may continue to exercise their powers to issue default judgements without a hearing, and that the consent of parties is not required in these circumstances.