
STATUTORY INSTRUMENTS

1987 No. 936

The Industrial Relations (Northern Ireland) Order 1987

Proceedings involving trade unions and employers' associations

Limit on damages awarded against trade unions in actions in tort

18.—(1) Subject to paragraph (2), in any proceedings in tort brought against a trade union the amount which may be awarded against the union by way of damages in those proceedings shall not exceed the appropriate limit.

(2) Paragraph (1) does not apply to any proceedings—

- (a) for any of the following resulting in personal injury to any person, that is to say negligence, nuisance or breach of duty; or
- (b) without prejudice to sub-paragraph (a), for breach of duty in connection with the ownership, occupation, possession, control or use of property (whether real or personal).

(3) The appropriate limit is—

- (a) £10,000, if the union has less than 5,000 members;
- (b) £50,000, if it has 5,000 or more members but less than 25,000 members;
- (c) £125,000, if it has 25,000 or more members but less than 100,000 members; and
- (d) £250,000, if it has 100,000 or more members.

(4) The Department may by order vary any of the sums for the time being specified in paragraph (3).

(5) An order under paragraph (4)—

- (a) shall come into operation on such date as is specified in the order and shall be laid before the Assembly as soon as may be after it is made but shall cease to have effect upon the expiration of a period of six months from the date on which it comes into operation unless, before the expiration of that period, it is approved by a resolution of the Assembly;
- (b) may make such transitional provision as the Department considers appropriate.

(6) In this Article—

- “duty” means a duty imposed by any rule of law or by or under any statutory provision; and
- “personal injury” includes any disease and any impairment of a person’s physical or mental condition.

(7) In calculating for the purposes of this Article the number of members which a trade union has—

- (a) there shall be included members outside Northern Ireland; and
- (b) in any case where a trade union consists wholly or mainly of organisations or representatives of organisations, the members of those organisations shall be treated as members of the union.