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STATUTORY INSTRUMENTS

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**1992 No. 807**

**The Industrial Relations (Northern Ireland) Order 1992**

**PART XII**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Fair Employment*

**Amendments to the Fair Employment (Northern Ireland) Acts**

**106.**—(1) In Part III of the Fair Employment (Northern Ireland) Act 1976<sup>(1)</sup> after section 32 there shall be inserted the following section—

**“Restrictions on contracting out.**

**32A.**—(1) Except as provided by subsection (2), any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—

- (a) to exclude or limit the operation of any provision of this Part; or
- (b) to preclude any person from presenting a complaint to the Tribunal under section 24.

(2) Subsection (1) shall not apply to any agreement to refrain from instituting or continuing any proceedings before the Tribunal where the Labour Relations Agency has taken action in accordance with section 25(1) or (2).”.

(2) Section 32A of the Fair Employment (Northern Ireland) Act 1976<sup>(2)</sup> (as inserted by paragraph (1)) applies in relation to agreements made before as well as after the coming into operation of that paragraph.

(3) In section 6 of the Fair Employment (Northern Ireland) Act 1989<sup>(3)</sup> for subsection (3) there shall be substituted the following subsection—

“(3) Where a direction is made under subsection (2) that any matters shall be heard and determined by the Tribunal, then—

- (a) for the purpose of complying with that direction, the Tribunal shall, in relation to those matters, have the jurisdiction, and may exercise all the powers, of an industrial tribunal;
- (b) neither Article 29(2) of the Industrial Relations (Northern Ireland) Order 1976 nor Article 63(3) of the Sex Discrimination (Northern Ireland) Order 1976 shall apply in relation to the hearing and determination of those matters by the Tribunal;
- (c) Article 61 of the Industrial Relations (Northern Ireland) Order 1976 (recovery of, and interest on, sums awarded by industrial tribunals) shall apply in relation to any sum payable in pursuance of a decision of the Tribunal in relation to any such

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(1) 1976 c. 25  
(2) 1976 c. 25  
(3) 1989 c. 32

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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matters as it applies in relation to a sum payable in pursuance of a decision of an industrial tribunal; and

- (d) Article 31 of the Industrial Training (Northern Ireland) Order 1984 (appeals against decisions of industrial tribunals) shall apply in relation to a decision of the Tribunal in relation to any such matters as it applies in relation to a decision of an industrial tribunal.”.