
STATUTORY INSTRUMENTS

1996 No. 1921

The Industrial Tribunals (Northern Ireland) Order 1996

Procedure

Pre-hearing reviews and preliminary matters

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

- ^{F1}(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^{F2}... to pay a deposit of an amount not exceeding [^{F3}£500][^{F4}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.

[^{F5}(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^{F6} 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^{F7} or harassment] within the meaning of the^{F8} Fair Employment and Treatment (Northern Ireland) Order 1998]

- (a) a complaint could be made to the Fair Employment Tribunal for Northern Ireland under^{F8} Part VI of the Fair Employment and Treatment (Northern Ireland) Order 1998], or
- (b) such a complaint has been made, but the proceedings^{F8} under the Fair Employment and Treatment (Northern Ireland) Order 1998] have not been disposed of,

Changes to legislation: *The Industrial Tribunals (Northern Ireland) Order 1996, Section 11 is up to date with all changes known to be in force on or before 20 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. (See end of Document for details) View outstanding changes*

the tribunal shall not proceed further under the Employment Rights Order in relation to the complaint unless all proceedings which can be taken^{F8} under the Fair Employment and Treatment (Northern Ireland) Order 1998] in respect of the dismissal have been disposed of.

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| F1 | prosp. subst. by 2003 NI 15 |
| F2 | 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) |
| F3 | SR 2004/157 |
| F4 | 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) |
| F5 | 2003 NI 15 |
| F6 | 1998 NI 8 |
| F7 | SR 2003/341 |
| F8 | 1998 NI 21 |

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[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](#)