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STATUTORY INSTRUMENTS

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**2003 No. 2902**

**The Employment (Northern Ireland) Order 2003**

**PART III**

**FAIR EMPLOYMENT TRIBUNAL REFORM**

**Pre-hearing reviews and preliminary matters**

**13.**—(1) After Article 84A of the Fair Employment and Treatment Order (inserted by Article 12) there shall be inserted—

**“Pre-hearing reviews and preliminary matters**

**84B.**—(1) Regulations under Article 84 may include provision—

- (a) for authorising the Tribunal to carry out a review of any proceedings before it at any time before a hearing held for the purpose of determining them (a “pre-hearing review”);
- (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 the 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, if he wishes to continue to participate in those proceedings, to pay a deposit of an amount not exceeding £150; 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.

(3) 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.

(4) The Department may by order substitute for the sum specified in paragraph (2)(a) such other sum as is specified in the order.

(5) The regulations may also include provision for authorising the Tribunal to hear and determine separately any preliminary issue of a description prescribed by the regulations which is raised in any case.”

(2) In Article 84(2) of that Order, sub-paragraph (f) (officer of Tribunal to determine matters arising prior to a hearing) shall cease to have effect.