
STATUTORY INSTRUMENTS

2003 No. 2902

The Employment (Northern Ireland) Order 2003

PART III

FAIR EMPLOYMENT TRIBUNAL REFORM

Costs and allowances

14.—(1) After Article 85 of the Fair Employment and Treatment Order there shall be inserted the following Articles—

“Costs and expenses

85A.—(1) Regulations under Article 84 may include provision—

- (a) for the award of costs;
- (b) for the award of any allowances payable under Article 83(2).

(2) Regulations under paragraph (1) may include provision authorising the Tribunal to have regard to a person’s ability to pay when considering the making of an award against him under such regulations.

(3) The regulations may include provision for authorising the Tribunal—

- (a) to disallow all or part of the costs of a representative of a party to proceedings before it by reason of that representative’s conduct of the proceedings;
- (b) to order a representative of a party to proceedings before it to meet all or part of the costs incurred by a party by reason of the representative’s conduct of the proceedings;
- (c) to order a representative of a party to proceedings before it to meet all or part of any allowances payable by the Department under Article 83(2) by reason of the representative’s conduct of the proceedings.

(4) The regulations may also include provision for taxing or otherwise settling the costs referred to in paragraph (1)(a) or (3)(b) (and, in particular for enabling such costs to be taxed in the county court).

Payments in respect of preparation time

85B.—(1) Regulations under Article 84 may include provision for authorising the Tribunal to order a party to proceedings before it to make a payment to any other party in respect of time spent in preparing that other party’s case.

(2) Regulations under paragraph (1) may include provision authorising the Tribunal to have regard to a person’s ability to pay when considering the making of an order against him under such regulations.

(3) If regulations under Article 84 include—

- (a) provision of the kind mentioned in paragraph (1); and

(b) provision of the kind mentioned in Article 85A(1)(a),
they shall also include provision to prevent the Tribunal exercising its powers under both kinds of provision in favour of the same person in the same proceedings.”

(2) In Article 84(2) of that Order, sub-paragraphs (i) and (j) (costs and taxing of costs) shall cease to have effect.