
DRAFT STATUTORY INSTRUMENTS

1998 No.

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART IX

THE FAIR EMPLOYMENT TRIBUNAL

Procedure

Procedure for matters within jurisdiction of industrial tribunal

85.—(1) This Article applies where a complaint has been made to the Tribunal under Article 38 and it appears to the President or Vice-President that the complaint is one in respect of which—

- (a) a complaint could be made to an industrial tribunal on the ground that—
 - (i) a person has committed an act of discrimination against the complainant which is unlawful by virtue of any provision of Part III of the Sex Discrimination (Northern Ireland) Order 1976; or
 - (ii) a person has committed an act of discrimination against the complainant which is unlawful by virtue of any provision of Part II of the Disability Discrimination Act 1995; or
 - (iii) the complainant has been unfairly dismissed within the meaning of Part XI of the Employment Rights (Northern Ireland) Order 1996; or
 - (iv) a person has committed an act of discrimination against the complainant which is unlawful by virtue of any provision of Part II of the Race Relations (Northern Ireland) Order 1997; or
- (b) a complaint has been made to an industrial tribunal on that ground, but the proceedings under the Sex Discrimination (Northern Ireland) Order 1976, the Disability Discrimination Act 1995, the Employment Rights (Northern Ireland) Order 1996 or the Race Relations (Northern Ireland) Order 1997, (as the case may be), have not been disposed of.

(2) Where this Article applies and the President or Vice-President considers that any matters which would otherwise fall to be determined by an industrial tribunal could appropriately be heard and determined by the Tribunal, he may direct that those matters shall be so heard and determined.

(3) Where a direction is made under paragraph (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) none of the following, namely—
 - (i) Article 63(3) of the Sex Discrimination (Northern Ireland) Order 1976;
 - (ii) Article 11(5) of the Industrial Tribunals (Northern Ireland) Order 1996;

- (iii) Article 52(3) of the Race Relations (Northern Ireland) Order 1997,
shall apply in relation to the hearing and determination of those matters by the Tribunal;
- (c) Articles 16 and 17 of the Industrial Tribunals (Northern Ireland) Order 1996 (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 matters as it applies in relation to a sum payable in pursuance of a decision of an industrial tribunal; and
- (d) Article 22 of the Industrial Tribunals (Northern Ireland) Order 1996 (appeals against decisions of industrial tribunals) shall apply in relation to a decision of the Tribunal in relation to any such matter as it applies in relation to a decision of an industrial tribunal.