
STATUTORY INSTRUMENTS

1995 No. 758 (N.I. 4)

NORTHERN IRELAND

**The Fair Employment (Amendment)
(Northern Ireland) Order 1995**

Made - - - - 15th March 1995
Coming into operation 16th May 1995

At the Court at Buckingham Palace, the 15th day of March 1995

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽¹⁾ and of all other powers enabling Her in that behalf, is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Fair Employment (Amendment) (Northern Ireland) Order 1995.

(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the 1976 Act” means the Fair Employment (Northern Ireland) Act 1976⁽³⁾.

(1) 1974 c. 28
(2) 1954 c. 33 (N.I.)
(3) 1976 c. 25

Removal of limit on amount of awards

3.—(1) In section 26 of the 1976 Act (remedies on complaint to the Fair Employment Tribunal in respect of unlawful discrimination), subsection (4) (limit on the amount of compensation) is hereby repealed.

(2) In consequence of paragraph (1), the following provisions of the 1976 Act are hereby repealed, namely—

- (a) in section 26(5)(a), the words “(subject to the limit in subsection (4))”;
- (b) section 26(9), (10) and (12); and
- (c) in section 56(2) the words “26(9) or”.

Power to make provision as to interest in relation to awards

4.—(1) In section 26 of the 1976 Act, after subsection (6) there shall be inserted the following subsections—

“(6A) The Department may by order made with the approval of the Department of Finance make provision—

- (a) for enabling the Tribunal, where an amount of compensation falls to be awarded under subsection (1)(b), to include in the award interest on that amount; and
- (b) specifying, for cases where the Tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined,

and the order may contain such incidental and supplementary provisions as the Department considers appropriate.

(6B) The power to make an order under subsection (6A) includes power to vary or revoke the order.”.

(2) In subsection (11) of that section, for “(9)” there shall be substituted “(6A)”.

(3) In section 56(2) of the Act, before “49(3)” there shall be inserted “26(6A) or”.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Fair Employment (Northern Ireland) Act 1976.

Article 3 amends section 26 so as to remove the limit of £35,000 on amounts awarded by the Fair Employment Tribunal (“the Tribunal”) under that section.

Article 4 gives powers to the Department to make an order enabling the Tribunal to include interest on amounts awarded by it under section 26.