

*These notes refer to the Employment Act (Northern Ireland)
2011 (c.13) which received Royal Assent on 22nd March 2011*

Employment Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10: Recovery of sums payable under compromises involving the Agency

42. *Section 10* concerns sums payable under conciliated settlements, reached with the assistance of the LRA, where there is agreement to avoid industrial tribunal proceedings or to bring such proceedings to an end. It inserts a new Article 21A into the Industrial Tribunals Order specifying that sums payable under such settlements are to be treated as though payable under a county court order, except where the terms of the conciliated settlement require the person to whom the sum is payable to do anything other than discontinue or not start proceedings. Where the settlement does require some other action, recovery of the sum requires a county court order.
43. The inserted Article also provides that the sum is not recoverable if the person by whom the sum is payable successfully applies to an industrial tribunal or county court for a declaration that it would not be recoverable under the general law of contract. No action may be taken to recover the sum while such an application is pending.
44. Provision is made whereby county court rules can specify a time period during which a sum is not recoverable. Finally, the inserted provision sets out regulation-making powers in relation to time limits for applying for a declaration and when such an application is to be treated as pending.