
STATUTORY INSTRUMENTS

1993 No. 2668

The Industrial Relations (Northern Ireland) Order 1993

Other employment matters

Constitution of industrial tribunals

14. After Article 58 of the No. 1 Order there shall be inserted—

“Constitution of industrial tribunals

58A.—(1) Subject to the following provisions of this Article, proceedings before an industrial tribunal shall be heard by—

- (a) the person who, in accordance with industrial tribunal regulations, is the chairman; and
- (b) two other members, or (with the consent of the parties) one other member, selected as the other members (or member) in accordance with such regulations.

(2) Subject to paragraph (5), the proceedings to which paragraph (3) applies shall be heard by the person specified in paragraph (1)(a) alone.

(3) This paragraph applies to—

- (a) proceedings on an application under Article 39, 40A or 41 of this Order;
- (b) proceedings on a complaint under Article 44 of this Order or under Article 7 of the Wages (Northern Ireland) Order 1988;
- (c) proceedings in respect of which an industrial tribunal has jurisdiction by virtue of an order under Article 57 of the No. 2 Order;
- (d) proceedings in which the parties have given their written consent to the proceedings being heard in accordance with paragraph (2) (whether or not they have subsequently withdrawn it);
- (e) proceedings in which the person bringing the proceedings has given written notice withdrawing the case; and
- (f) proceedings in which the person (or, where more than one, each of the persons) against whom the proceedings are brought does not, or has ceased to, contest the case.

(4) The Department may by order amend the provisions of paragraph (3).

(5) Proceedings to which paragraph (3) applies shall be heard in accordance with paragraph (1) if a person who, in accordance with industrial tribunal regulations, may be the chairman of an industrial tribunal, having regard to—

- (a) whether there is a likelihood of a dispute arising on the facts which makes it desirable for the proceedings to be heard in accordance with paragraph (1);
- (b) whether there is a likelihood of an issue of law arising which would make it desirable for the proceedings to be heard in accordance with paragraph (2);

- (c) any views of any of the parties as to whether or not the proceedings ought to be heard in accordance with either of those paragraphs; and
- (d) whether there are other proceedings which might be heard concurrently but which are not proceedings to which paragraph (3) applies,

decides (at any stage of the proceedings) that the proceedings are to be heard in accordance with paragraph (1).

(6) Regulations made under Article 59 may provide that in such circumstances as the regulations may specify any act required or authorised by the regulations to be done by an industrial tribunal may be done by the person specified in paragraph (1)(a) alone.

(7) Where the Secretary of State so directs in relation to any proceedings on grounds of national security, the proceedings shall be heard and determined, and any act required or authorised by regulations made under Article 59 to be done by an industrial tribunal in relation to the proceedings shall be done, by the President of Industrial Tribunals and the Fair Employment Tribunal or a person nominated under section 3(6) of the Fair Employment (Northern Ireland) Act 1989⁽¹⁾ to discharge the functions of the President, alone.

(8) In this Article “industrial tribunal regulations” means regulations under Article 30 of the Industrial Training (Northern Ireland) Order 1984⁽²⁾ (constitution of industrial tribunals).”.

(1) 1989 c. 32
(2) 1984 NI 9