
STATUTORY INSTRUMENTS

1996 No. 1921

The Industrial Tribunals (Northern Ireland) Order 1996

Procedure

National security etc.

12.—(1) The Secretary of State may on grounds of national security direct an industrial tribunal to sit in private when hearing or determining any proceedings specified in the direction.

(2) Industrial tribunal procedure regulations may enable an industrial tribunal to sit in private for the purpose of—

- (a) hearing evidence which in the opinion of the tribunal relates to matters of such a nature that it would be against the interests of national security, public safety or public order to allow the evidence to be given in public, or
- (b) hearing evidence from any person which in the opinion of the tribunal is likely to consist of—
 - (i) information which he could not disclose without contravening a prohibition imposed by or by virtue of any statutory provision,
 - (ii) information which has been communicated to him in confidence or which he has otherwise obtained in consequence of the confidence reposed in him by another person, or
 - (iii) information the disclosure of which would, for reasons other than its effect on negotiations with respect to any of the matters mentioned in Article 96(1) of the Industrial Relations (Northern Ireland) Order 1992, cause substantial injury to any undertaking of his or in which he works.

(3) The reference in paragraph (2)(b)(iii) to any undertaking of a person or in which he works shall be construed, in relation to a person in Crown employment, as a reference to the national interest.

(4) If on a complaint under Article 74 (action short of dismissal) or 145 (unfair dismissal) of the Employment Rights Order it is shown that the action complained of was taken for the purpose of safeguarding national security, or protecting public safety or public order, the industrial tribunal shall dismiss the complaint.

(5) Except where the complaint is that a dismissal is unfair by virtue of—

- (a) Article 131(1) to (3) (pregnancy), 132 (health and safety) or 134 (employee representatives) of the Employment Rights Order, or
- (b) paragraph (1) of Article 137 of that Order (redundancy) by T reason of the application of paragraph (2), (3) or (5) of that Article,

a certificate purporting to be signed by or on behalf of the Secretary of State and certifying that the action specified in the certificate was taken for the purpose of safeguarding national security, or protecting public safety or public order, is for the purposes of paragraph (4) conclusive evidence of that fact.

(6) The reference in paragraph (5) to “dismissal” shall, in relation to a person in Crown employment, be construed as a reference to termination of Crown employment.