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## STATUTORY INSTRUMENTS

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# 1996 No. 1921

## The Industrial Tribunals (Northern Ireland) Order 1996

### *Membership etc.*

#### **Composition of a tribunal**

6.—(1) Subject to the following provisions of this Article<sup>[F1]</sup> and to Article 9(3A)], proceedings before an industrial tribunal shall be heard by—

(a)<sup>F2 F3</sup> the person who, in accordance with regulations made under Article 3(1), is the chairman, and

<sup>F4</sup>(b)<sup>F2 F3</sup> two other members, or (with the consent of the parties) one other member, selected as the other members (or member) in accordance with regulations so made.

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

(3) The proceedings referred to in paragraph (2) are—

<sup>[F1]</sup>(a) proceedings—

(i) on an application under Article 163, 166 or 167 of the Employment Rights Order (interim relief orders);

(ii) on a complaint under Article 55 (protection of wages), Article 66 (guarantee payment), Article 220 (protective award) or Article 233 (payment on insolvency of employer) of that Order;

(iii) on a complaint under Article 102(1) of that Order relating to Article 96 (suspension from work on medical grounds) of that Order;

(iv) on a reference under Article 43 (statement of particulars of employment and itemised pay statement), Article 198 (redundancy payment) or Article 205 (liability for employer's payment) of that Order; or

(v) for an appointment under Article 248(4) (institution or continuance of tribunal proceedings where employee is deceased) of that Order;]

<sup>[F1]</sup>(aa) proceedings on a complaint under Article 36 (employer deducting unauthorised or excessive union subscription) or Article 61 (employer deducting or refusing to deduct union contribution) of the Trade Union and Labour Relations (Northern Ireland) Order 1995;

(ab) proceedings on a complaint under <sup>[F5]</sup>regulation 15(10) of the Transfer of Undertakings (Protection of Employment) Regulations 2006<sup>[F6]</sup> or regulation 15(10) of the Service Provision Change (Protection of Employment) Regulations (Northern Ireland) 2006<sup>]</sup> ;]

(b) proceedings on a complaint under section 122 of the Pension Schemes (Northern Ireland) Act 1993;

<sup>[F7]</sup>(bb) proceedings on a complaint under section 11 of the National Minimum Wage Act 1998;

(bc) proceedings on an appeal under section 19 or 22 of the National Minimum Wage Act 1998;]

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- (c) proceedings in respect of which an industrial tribunal has jurisdiction by virtue of Article 5;
- (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), and

*Sub#para. (e) rep. by 1998 NI 8*

- (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) <sup>F2</sup> <sup>F3</sup>Proceedings specified in paragraph (3) shall be heard in accordance with paragraph (1) if a person who, in accordance with regulations made under Article 3(1), 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 specified in paragraph (3),

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

(6) Where (in accordance with the following provisions of this Order) the Department makes industrial tribunal procedure regulations, the regulations may provide that<sup>F1</sup> any act which is required or authorised by the regulations to be done by an industrial tribunal and is of a description specified by the regulations for the purposes of this paragraph may] be done by the person mentioned in paragraph (1)(a) alone.

<sup>F1</sup>(6A) Paragraph (6) in particular enables industrial tribunal procedure regulations to provide that—

- (a) the determination of proceedings in accordance with regulations under Article 9(3A), (3B) or (3C)(a),
- (b) the carrying-out of pre-hearing reviews in accordance with regulations under paragraph (1) of Article 11 (including the exercise of powers in connection with such reviews in accordance with regulations under sub-paragraph (b) of that paragraph), or
- (c) the hearing and determination of a preliminary issue in accordance with regulations under Article 11(4) (where it involves hearing witnesses other than the parties or their representatives as well as where, in accordance with regulations under Article 9(3C)(b), it does not),

may be done by the person mentioned in paragraph (1)(a) alone.]

<sup>F1</sup>(6B) Industrial tribunal procedure regulations may (subject to paragraph (6C)) also provide that any act which—

- (a) by virtue of paragraph (6) may be done by the person mentioned in paragraph (1)(a) alone, and
- (b) is of a description specified by the regulations for the purposes of this paragraph,

may be done by a person appointed as a legal officer in accordance with regulations under Article 3(1); and any act so done shall be treated as done by an industrial tribunal.

(6C) But regulations under paragraph (6B) may not specify—

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- (a) the determination of any proceedings, other than proceedings in which the parties have agreed the terms of the determination or in which the person bringing the proceedings has given notice of the withdrawal of the case, or
- (b) the carrying-out of pre-hearing reviews in accordance with regulations under Article 11(1).]

Para. (7) rep. by 1999 NI 9

<b>F1</b>	1998 NI 8
<b>F2</b>	mod. by SR 2004/165
<b>F3</b>	mod. by SR 2005/150
<b>F4</b>	prosp. subst. by 1998 NI 8
<b>F5</b>	Words in art. 6(3)(ab) substituted (6.4.2006) by S.I. 2006/246, reg. 20(3), <b>Sch. 2 para. 9</b> (with reg. 21(1))
<b>F6</b>	Words in art. 6(3)(ab) inserted (6.4.2006) by S.R. 2006/177, reg. 20(1), <b>Sch. 1 para. 1</b>
<b>F7</b>	1998 c. 39

### Remuneration, fees and allowances

7.—(1) The Department may pay to—

- (a) the President and Vice-President of the Industrial Tribunals and the Fair Employment Tribunal,<sup>F8</sup> . . .
- (b) any person who is a member on a full-time basis of a panel of chairmen of tribunals which is appointed in accordance with regulations made under Article 3(1),<sup>F8</sup> and]
- <sup>F8</sup>(c) any person who is a legal officer appointed in accordance with such regulations,]

such remuneration [<sup>F9</sup>and allowances] as it may with the consent of the Department of Finance and Personnel determine.

(2) The Department may pay to—

- (a) members of industrial tribunals,
- (b) any assessors appointed for the purposes of proceedings before industrial tribunals, and
- (c) any persons required for the purposes of section 2A(1)(h) of the Equal Pay Act (Northern Ireland) 1970 to prepare reports,

such fees and allowances as it may with the consent of the Department of Finance and Personnel determine.

(3) The Department may pay to any other persons such allowances as it may with the consent of the Department of Finance and Personnel determine for the purposes of, or in connection with, their attendance at industrial tribunals.

<b>F8</b>	1998 NI 8
<b>F9</b>	Words in art. 7(1) inserted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in operation) by <b>Public Service Pensions and Judicial Offices Act 2022 (c. 7)</b> , s. 131(1)(4)(b)(ii), <b>Sch. 2 para. 17</b>

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 20\(1\)\(c\)\(via\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 13](#)