
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 459

**The Employment Protection (Recoupment
of Jobseeker's Allowance and Income
Support) Regulations (Northern Ireland) 1996**

Part II

Industrial Tribunal Proceedings

Application to payments and proceedings

3.—(1) Subject to paragraph (2) and regulation 4 these Regulations apply—

- (a) to the payments described in column 1 of the table contained in the Schedule, being, in each case, payments which are the subject of industrial tribunal proceedings of the kind described in the corresponding entry in column 2 and the prescribed element in relation to each such payment is so much of the relevant monetary award as is attributable to the matter described in the corresponding entry in column 3, and
- (b) to payments of remuneration in pursuance of a protective award.

(2) The payments to which these Regulations apply by virtue of paragraph (1)(a) include payments in proceedings under Article 220 and, accordingly, where an order is made on an employee's complaint under that Article, the relevant protective award shall, as respects that employee and to the appropriate extent, be taken to be subsumed in the order made under Article 220 so that the provisions of these Regulations relating to monetary awards shall apply to payments under that order to the exclusion of the provisions relating to protective awards, but without prejudice to anything done under the latter in connection with the relevant protective award before the making of the order under that Article.

Duties of the industrial tribunals and of the Secretary of the Tribunals in respect of monetary awards

4.—(1) Where these Regulations apply, no regard shall be had, in assessing the amount of a monetary award, to the amount of any jobseeker's allowance or any income support which may have been paid to or claimed by the employee for a period which coincides with any part of a period to which the prescribed element is attributable.

(2) Where the industrial tribunal in arriving at a monetary award makes a reduction on account of the employee's contributory fault or on account of any limit imposed by or under the 1995 Order or the 1996 Order, a proportionate reduction shall be made in arriving at the amount of the prescribed element.

(3) Subject to the following provisions of this regulation it shall be the duty of the industrial tribunal to set out in any decision which includes a monetary award the following particulars—

- (a) the monetary award;
- (b) the amount of the prescribed element, if any;

- (c) the dates of the period to which the prescribed element is attributable;
- (d) the amount, if any, by which the monetary award exceeds the prescribed element.

(4) Where the industrial tribunal at the hearing announces to the parties the effect of a decision which includes a monetary award it shall inform those parties at the same time of the amount of any prescribed element included in the monetary award and shall explain the effect of regulations 7 and 8 in relation to the prescribed element.

(5) Where the industrial tribunal has made such an announcement as is described in paragraph (4) the Secretary of the Tribunals shall forthwith notify the Department that the tribunal has decided to make a monetary award including a prescribed element and shall notify it of the particulars set out in paragraph (3).

(6) As soon as reasonably practicable after the Secretary of the Tribunals has sent a copy of a decision containing the particulars set out in paragraph (3) to the parties he shall send a copy of that decision to the Department.

(7) In addition to containing the particulars required under paragraph (3), any such decision as is mentioned in that paragraph shall contain a statement explaining the effect of regulations 7 and 8 in relation to the prescribed element.

(8) The requirements of paragraphs (3) to (7) do not apply where the industrial tribunal is satisfied that in respect of each day falling within the period to which the prescribed element relates the employee has neither received nor claimed jobseeker's allowance or income support.

Duties of the industrial tribunals and of the Secretary of the Tribunals in respect of protective awards

5.—(1) Where, on a complaint under Article 217, an industrial tribunal—

- (a) at the hearing announces to the parties the effect of a decision to make a protective award, or
- (b) (where it has made no such announcement) sends a decision to make such an award to the parties,

the Secretary of the Tribunals shall forthwith notify the Department of the following particulars relating to the award—

- (i) where the industrial tribunal has made such an announcement as is described in paragraph (1) (a), the date of the hearing or where it has made no such announcement, the date on which the decision was sent to the parties;
- (ii) the location of the tribunal;
- (iii) the name and address of the employer;
- (iv) the description of the employees to whom the award relates, and
- (v) the dates of the protected period.
 - (a) (2) (a) Where an industrial tribunal makes such an announcement as is described in paragraph (1)(a) in the presence of the employer or his representative it shall advise him of his duties under regulation 6 and shall explain the effect of regulations 7 and 8 in relation to remuneration under the protective award;
 - (b) Without prejudice to sub-paragraph (a) any decision of an industrial tribunal to make a protective award under Article 217 shall contain a statement advising the employer of his duties under regulation 6 and an explanation of the effect of regulations 7 and 8 in relation to remuneration under the protective award.

Duties of the employer to give information about protective awards

6.—(1) Where an industrial tribunal makes a protective award under Article 217 against an employer, the employer shall give to the Department the following information in writing—

- (a) the name, address and national insurance number of every employee to whom the award relates, and
- (b) the date of termination (or proposed termination) of the employment of each such employee.

(2) Subject to paragraph (3), the employer shall comply with paragraph (1) within the period of 10 days commencing on the day on which the industrial tribunal at the hearing announces to the parties the effect of a decision to make a protective award or (in the case where no such announcement is made) on the day on which the relevant decision is sent to the parties.

(3) Where, in any case, it is not reasonably practicable for the employer to comply with paragraph (1) within the period applicable under paragraph (2) he shall comply as soon as reasonably practicable after the expiration of that period.