
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 26th January 1997, make special provisions in relation to interest on awards and compensation orders made by industrial tribunals under the Equal Pay Act (Northern Ireland) 1970 (“the 1970 Act”), the Sex Discrimination (Northern Ireland) Order 1976 (“the 1976 Order”), and the Disability Discrimination Act 1995 (“the 1995 Act”).

The opportunity has been taken to revoke the Sex Discrimination and Equal Pay (Remedies) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 478) and repeat their substance with only minor and drafting changes. Accordingly, the substantive effect of these Regulations is to apply, in relation to orders of compensation made under the 1995 Act, substantially the same special provisions as to interest which already apply in relation to awards and compensation orders made under the legislation on sex discrimination.

As regards their application in relation to awards and orders of compensation made under the 1970 Act and the 1976 Order, these Regulations are made under section 2(2) of the European Communities Act 1972 and ensure that the remedies available under legislation in Northern Ireland relating to sex discrimination and to equal pay for men and women comply with the requirements of Council Directives 1975/117/EEC(1) and 1976/207/EEC(2) as interpreted by the European Court of Justice in Case No. C271/91 — *Marshall v Southampton and South West Hampshire Area Health Authority* (No. 2).

Regulation 3 enables an industrial tribunal which makes an award or order of compensation under the 1970 Act, 1976 Order or 1995 Act to include a sum by way of interest on the amount awarded. Regulation 4 provides that such interest is to be calculated as simple interest which accrues from day to day and specifies the rate of interest to be used. Regulations 5-7 contain rules for the calculation of interest. There is also provision for the industrial tribunal to depart from these rules where it is of the opinion that serious injustice would be done if the rules were to be applied. Regulation 8 provides that written details must be given of the calculation of interest and that reasons must be given if no interest is awarded.

Regulation 9 alters the effect of the Industrial Tribunals (Interest) (Northern Ireland) Order 1990 (“the 1990 Order”) as it applies to an award or order of compensation made under the 1970 Act, the 1976 Order or the 1995 Act (including any interest awarded under Regulation 3). In relation to such an award, interest will begin to accrue from the day after the day in which the tribunal’s decision is sent to the parties (and not from a date 42 days later); however no interest will be payable under the 1990 Order if the full amount of the award is paid to the complainant within 14 days after the decision is sent out.

Regulation 10 contains transitional provisions.

(1) O.J. No. L45. 19.2.75. p. 19

(2) O.J. No. L39. 14.2.76. p. 40