
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 452

FAIR EMPLOYMENT

**Fair Employment Tribunal (Rules of Procedure)
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - *15th November 1999*
Coming into operation *20th December 1999*

The Department of Economic Development, in exercise of the powers conferred on it by Articles 84(1), (2) and (3) and 104(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fair Employment Tribunal (Rules of Procedure) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 20th December 1999.

Amendment of the Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 1989

2. The Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 1989⁽²⁾ shall be amended in accordance with regulations 3 to 7.

3. In rule 3(1) in Schedule 1, for the words “14 days” there shall be substituted the words “21 days”.

4. After rule 4(2) in Schedule 1 there shall be inserted the following paragraphs—

“(2A) A tribunal may, on the application of a party to the proceedings made by notice to the Secretary or of its own motion, require a party to furnish to the tribunal a written answer to any question if it considers—

- (a) that the answer of the party to that question may help to clarify any issue likely to arise for determination in the proceedings; and
- (b) that it would be likely to assist the progress of the proceedings for that answer to be available to the tribunal before the hearing,

(1) S.I.1998/3162 (N.I. 21)
(2) S.R. 1989 No. 445

and may appoint the time within which the written answer is to be furnished. Where a requirement is imposed under this paragraph, the Secretary shall send to each other party a copy of such requirement and a copy of the written answer furnished to the tribunal.

(2B) The tribunal shall take account of a written answer furnished pursuant to paragraph (2A) in the same way as it takes account of representations in writing submitted by a party pursuant to rule 7(2).”

5. In rule 4(3) in Schedule 1, after the words “paragraph (1)(c)” there shall be inserted the words “and a party on whom a requirement has been imposed under paragraph (2A) in his absence”.

6. In rule 4(5) in Schedule 1, after the words “paragraph (1)(a) or (b)” there shall be inserted the words “or (2A)”.

7. In rule 8(3) in Schedule 1, at the end there shall be inserted the words “and any written answer furnished to the tribunal pursuant to rule 4(2A).”.

Transitional provision

8. The amendments made by regulations 2 to 7 shall not apply in relation to proceedings instituted before 20th December 1999.

Sealed with the Official Seal of the Department of Economic Development on 15th November 1999.

L.S.

R. Gamble
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend Schedule 1 to the Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 1989 which contains the rules of procedure in relation to complaints to the Fair Employment Tribunal for Northern Ireland under Article 38 of the Fair Employment and Treatment (Northern Ireland) Order 1998 by—

- (a) extending the time limit for a respondent to enter an appearance to the proceedings from 14 days to 21 days (regulation 3);
- (b) enabling a tribunal exercising the jurisdiction of the Fair Employment Tribunal of Northern Ireland, on the application of a party to the proceedings or of its own motion, to require a party to furnish to the tribunal a written answer to any question if it considers that the answer to that question may help to clarify any issue likely to arise for determination in the proceedings and that it would be likely to assist the progress of the proceedings for that answer to be available to the tribunal before the hearing (regulation 4);
- (c) providing that where, in his absence, a party is required to provide such a written answer, he may apply to the Fair Employment Tribunal for Northern Ireland to vary or set aside the requirement (regulation 5);
- (d) providing that, where a requirement to provide a written answer is not complied with, a tribunal exercising the jurisdiction of the Fair Employment Tribunal for Northern Ireland may dismiss the whole or part of the originating application or strike out the whole or part of the notice of appearance and, where appropriate, direct that a respondent shall be debarred from defending altogether (regulation 6);
- (e) making consequential provision (regulation 7).

The Regulations also contain a transitional provision (regulation 8).