

2007 No. 100

FAIR EMPLOYMENT

**The Fair Employment Tribunal (Remedies) (Amendment) Order
(Northern Ireland) 2007**

Made - - - - - *15th February 2007*

Coming into operation - - - - - *6th April 2007*

The Department for Employment and Learning(a), being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to discrimination(c), in exercise of the powers conferred by section 2(2) of the Act, and of the powers conferred by Articles 39(7)(a) and 86(1) and (2) of the Fair Employment and Treatment (Northern Ireland) Order 1998(d) and now vested in it(e), with the approval of the Department of Finance and Personnel in accordance with Article 86(1) of that Order, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Fair Employment Tribunal (Remedies) (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 6th April 2007.

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Amendments

2. In the Fair Employment Tribunal (Remedies) Order (Northern Ireland) 1995(g)—

(1) in Article 2, for the definition of “an award under the Act”, substitute—

““an award under the Act” means an order under Article 39(1)(b) of the Fair Employment and Treatment (Northern Ireland) Order 1998 for payment of compensation, but does not include an award in respect of—

(a) costs under rules 34, 35 and 41 of Schedule 1 to the Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 2005(h);

(b) allowances under rules 34 and 35 of that Schedule; or

(c) preparation time under rules 37, 38 and 41 of that Schedule,

even if that award is made in the same proceedings as an order under Article 39(1)(b);”;

(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(b) 1972 c. 68
(c) *See* the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)
(d) S.I. 1998/3162 (N.I. 21)
(e) *See* S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(f) 1954 c. 33 (N.I.)
(g) S.R. 1995 No. 240
(h) S.R. 2005 No. 151

(2) in Articles 5 (in the definition of “mid-point date”), 6 and 7(1)(a), after “discrimination” insert “or harassment”.

Sealed with the Official Seal of the Department for Employment and Learning on 15th February 2007.

A circular official seal containing the letters "L.S." in a bold, sans-serif font.

D. S. S. McAuley
A senior officer of the
Department for Employment and Learning

The Department of Finance and Personnel hereby approves the foregoing Order.
Sealed with the Official Seal of the Department of Finance and Personnel on 15th February 2007.

A circular official seal containing the letters "L.S." in a bold, sans-serif font.

Jack Layberry
A senior officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Fair Employment Tribunal (Remedies) Order (Northern Ireland) 1995 (“the 1995 Order”). Article 2(1) makes it clear that an award made by the Tribunal on which interest is calculated does not include an award in respect of costs, allowances or preparation time under the rules of procedure governing the Tribunal. Article 2(2) amends the 1995 Order to reflect the Tribunal’s power to deal with complaints of harassment as well as of discrimination.