STATUTORY RULES OF NORTHERN IRELAND

2003 No. 498

INDUSTRIAL TRIBUNALS SEXUAL ORIENTATION DISCRIMINATION

Industrial Tribunals (Interest on Awards in Sexual Orientation Discrimination Cases) Regulations (Northern Ireland) 2003

Made - - - -	*1st December 2003*
Coming into operation	*2nd December 2003*

The Office of the First Minister and deputy First Minister, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to discrimination(**2**), in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Tribunals (Interest on Awards in Sexual Orientation Discrimination Cases) Regulations (Northern Ireland) 2003 and shall come into operation on 2nd December 2003.

(2) In these Regulations –

"an award under the Regulations" means an order under regulation 36(1)(b) of the Regulations for payment of compensation, but does not include an award in respect of costs or allowances under rule 12 in Schedule 1 to the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 1996(**3**), even if that award is made in the same proceedings as such an order;

"the Regulations" means the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(**4**); and

"tribunal" means an industrial tribunal established in pursuance of regulations made under, or having effect as if made under, Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996(**5**).

(**1**) 1972 c. 68
(**2**) *See* the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)
(**3**) S.R. 1996 No. 173
(**4**) S.R. 2003 No. 497
(**5**) S.I. 1996/1921 (N.I. 18)

(3) In these Regulations, any reference to a tribunal includes, in relation to an award under the Regulations, any tribunal which under Article 85 of the Fair Employment and Treatment (Northern Ireland) Order 1998(**6**) has the jurisdiction, and exercises the powers, of the tribunal.

(4) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Interest on awards

2.—(1) Where, at any time after 2nd December 2003 a tribunal makes an award under the Regulations –

(a) it may, subject to and in accordance with these Regulations, include interest on any sums so awarded; and

(b) it shall consider whether to do so, without the need for any application by a party in the proceedings.

(2) Nothing in paragraph (1) shall prevent the tribunal from making an award or decision, with regard to interest, in terms which have been agreed between the parties.

Rate of interest

3.—(1) Interest shall –

(a) subject to paragraph (2), be applied at the same rate as is in force, during the period for which it is to be calculated, in relation to decrees in the county court;

(b) be calculated as simple interest which accrues from day to day.

(2) Where the rate of interest applied under paragraph (1)(a) has varied during a period for which interest is to be calculated, the tribunal may, if it so desires in the interests of simplicity, apply such median or average of those rates as seems to it appropriate.

Calculation of interest

4.—(1) In this regulation and regulations 5 and 6 in relation to any award under the Regulations –

"day of calculation" means the day on which the amount of interest included on the sums so awarded is calculated by the tribunal; and

"mid-point date" means the date half-way through the period mentioned in paragraph (2) or, where the number of days in that period is even, the first day of the second half of that period.

(2) The period referred to in paragraph (1) is the period beginning on the date of the contravention or, as the case may be, of the act of discrimination or harassment to which the award in question relates and ending on the day of calculation (both dates inclusive).

5. Interest shall not be included on any sum awarded under the Regulations in relation to a loss or matter occurring after the day of calculation or in respect of any time before the contravention or, as the case may be, the act of discrimination or harassment to which the award relates.

6.—(1) Subject to paragraphs (2) and (3) –

(a) in the case of any sum awarded under the Regulations for injury to feelings, any interest included shall be for the period beginning on the date of the contravention or, as the case may be, the act of discrimination or harassment to which the award relates, and ending on the day of calculation (both dates inclusive);

(**6**) S.I. 1998/3162 (N.I. 21)
(**7**) 1954 c. 33 (N.I.)