STATUTORY RULES OF NORTHERN IRELAND

1997 No. 320

INDUSTRIAL TRIBUNALS
RACE RELATIONS

Race Relations (Interest on Awards) Order (Northern Ireland) 1997

Made - - - -	*30th June 1997*
Coming into operation	*4th August 1997*

The Department of Economic Development, in exercise of the powers conferred on it by Article 16(1), (3) and (4) of the Industrial Tribunals (Northern Ireland) Order 1996(**1**) ("the 1996 Order") and Article 53(4) of the Race Relations (Northern Ireland) Order 1997(**2**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel in accordance with Article 16(1) of the 1996 Order, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations (Interest on Awards) Order (Northern Ireland) 1997 and shall come into operation on 4th August 1997.

(2) In this Order—

"an award under the Order" means an order under Article 53(1)(*b*) of the Order 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 Order" means the Race Relations (Northern Ireland) Order 1997; 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.

(3) In this Order, any reference to a tribunal includes, in relation to an award under the Order, any tribunal which under section 6 of the Fair Employment (Northern Ireland) Act 1989(**4**) has the jurisdiction, and exercises the powers, of the tribunal.

(**1**) S.I. 1996/1921 (N.I. 18)
(**2**) S.I. 1997/869 (N.I. 6)
(**3**) S.R. 1996 No. 173 to which there are amendments not relevant to this Order
(**4**) 1989 c. 32

Interest on awards

2.—(1) Where, at any time after 4th August 1997 a tribunal makes an award under the Order—

(a) it may, subject to and in accordance with this Order, 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 Article and Articles 5 and 6 in relation to an award under the Order—

"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 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 Order 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 to which the award relates.

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

(a) in the case of any sum awarded under the Order 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 to which the award relates, and ending on the day of calculation (both dates inclusive);

(b) in the case of all other sums of damages or compensation (other than any sum referred to in Article 7), and all arrears of remuneration awarded under the Order, interest shall be for the period beginning on the mid-point date and ending on the day of calculation (both dates inclusive).

(2) Where any payment has been made before the day of calculation to the complainant by or on behalf of the respondent in respect of any loss or matter to which an award under the Order relates, interest in respect of the corresponding part of the award shall be calculated as if the references in paragraph (1), and in the definition of "mid-point date" in Article 4, to the day of calculation were to the date on which the payment was made.