STATUTORY RULES OF NORTHERN IRELAND

# 1996 No. 581

# INDUSTRIAL TRIBUNALS

## Industrial Tribunals (Interest on Awards in Sex and Disability Discrimination Cases) Regulations (Northern Ireland) 1996

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| *Made - - - -* | *11th December 1996* |
| *Coming into operation* | *26th January 1997* |

The Department of Economic Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to equal pay for men and women and to equal treatment for men and women in matters of employment, self-employment and vocational training, in exercise of the powers conferred on it by the said section 2(2), and in exercise of the powers conferred on it by sections 8(6) and (7)(**3**) and 67 of the Disability Discrimination Act 1995(**4**) 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 Sex and Disability Discrimination Cases) Regulations (Northern Ireland) 1996 and shall come into operation on 26th January 1997.

(2) In these Regulations—

"the 1970 Act" means the Equal Pay (Northern Ireland) Act 1970(**5**);

"the 1976 Order" means the Sex Discrimination Order (Northern Ireland) 1976(**6**);

"the 1995 Act" means the Disability Discrimination Act 1995;

"the 1993 Regulations" shall be construed in accordance with regulation 2;

"an award under the relevant legislation" means—

(a) an award under the 1970 Act of arrears of remuneration or damages, or

(**1**) The European Communities (Designation) (No. 3) Order 1993 (S.I. 1993/2661)
(**2**) 1972 c. 68
(**3**) As amended by S.I. 1996/1921 (N.I. 18) paragraph 12 of Schedule 1
(**4**) 1995 c. 50; sections 8(6) and (7) and 67 were modified in their application to Northern Ireland by Schedule 8; *see also* section 68(1) (as modified by the same Schedule) for a definition of "regulations"
(**5**) 1970 c. 32 (N.I.)
(**6**) S.I. 1976/1042 (N.I. 15)

(b) an order under Article 65(1)(*b*) of the 1976 Order or section 8(2)(*b*) of the 1995 Act for payment of compensation,

but does not include an award of costs under rule 12 in Schedule 1 to the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 1996(**7**), even if the award of costs or expenses is made in the same proceedings as an award under the relevant legislation; 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(**8**).

(3) In these Regulations, any reference to a tribunal includes, in relation to any order under Article 65(1)(*b*) of the 1976 Order for payment of compensation, any tribunal which under section 6 of the Fair Employment (Northern Ireland) Act 1989 has the jurisdiction, and exercises the powers, of the tribunal.

(4) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### Revocation

**2.** Subject to regulation 10, the Sex Discrimination and Equal Pay (Remedies) Regulations (Northern Ireland) 1993(**10**) ("the 1993 Regulations") are revoked.

### Interest on awards

**3.**—(1) Where, at any time after these Regulations come into operation a tribunal makes an award under the relevant legislation—

(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

**4.**—(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

**5.**—(1) In this regulation and regulations 6 and 7 in relation to any award under the relevant legislation—

(**7**) S.R. 1996 No. 173
(**8**) S.I. 1996 No. 1921 (N.I. 18)
(**9**) 1954 c. 33 (N.I.)
(**10**) S.R. 1993 No. 478