# 1992 No. 433

# FAIR EMPLOYMENT

## Fair Employment Tribunal (Interest) Order (Northern Ireland) 1992

*Made* . . . . . *7th October 1992*

*Coming into operation* . . *9th November 1992*

The Department of Economic Development(**a**), in exercise of the powers conferred on it by section 26(7) of the Fair Employment (Northern Ireland) Act 1976(**b**), section 6(3) of the Fair Employment (Northern Ireland) Act 1989(**c**), Article 61(3), (5) and (6) of the Industrial Relations (Northern Ireland) Order 1976(**d**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel, hereby makes the following Order:

*Citation, commencement and transitional provisions*

**1.**—(1) This Order may be cited as the Fair Employment Tribunal (Interest) Order (Northern Ireland) 1992 and shall come into operation on 9th November 1992.

(2) Where a relevant decision day or a day to be treated as if it were a relevant decision day would, but for this paragraph, fall on a day before 9th November 1992, the relevant decision day or day to be treated as if it were that day shall be 9th November 1992.

*Interpretation*

**2.**—(1) In this Order—

"appellate court" means the High Court, the Court of Appeal or the House of Lords as the case may be;

"the calculation day" in relation to a relevant decision means the day immediately after the expiry of the period of 42 days beginning on (and including) the relevant decision day;

"interest" means simple interest which accrues from day to day;

"relevant decision" in relation to a tribunal means—

(*a*) an order of the tribunal under section 26(1)(*b*) of the Fair Employment (Northern Ireland) Act 1976; or

---

(**a**) Formerly the Department of Manpower Services; *see* S.I. 1982/846 (N.I. 11) Article 3

(**b**) 1976 c. 25; section 26 was substituted by section 50(1) of the Fair Employment (Northern Ireland) Act 1989 c. 32

(**c**) 1989 c. 32; as substituted by Article 106(3) of the Industrial Relations (Northern Ireland) Order 1992 S.I. 1992/807 (N.I. 5)

(**d**) S.I. 1976/1043 (N.I. 16); Article 61(3) to (6) was added by paragraph 4(12) of Schedule 3 to the Industrial Relations (Northern Ireland) Order 1987 S.I. 1987/936 (N.I. 9)

(*b*) where a direction is made under section 6(2) of the Fair Employment (Northern Ireland) Act 1989(**a**) that any matter shall be heard and determined by the tribunal, any decision in relation to that matter,

by virtue of which a sum, excluding any amount representing costs or expenses, is payable by one party to proceedings before the tribunal to another such party;

"Rules of Procedure" means rules having effect in relation to proceedings before a tribunal by virtue of any statutory provision;

"the stipulated rate of interest" has the meaning assigned to it in Article 4;

"tribunal" means the Fair Employment Tribunal for Northern Ireland or any tribunal which, by virtue of regulation 3(3) of the Fair Employment Tribunal Regulations (Northern Ireland) 1989(**b**), exercises the jurisdiction of that Tribunal.

(2) For the purposes of this Order a sum is payable by one party to proceedings to another such party if, and only if, the amount of money so payable (excluding any amount representing costs or expenses) is specified in an award of compensation by a tribunal or, as the case may be, in an order or decision of an appellate court.

(3) In this Order "decision day" means the day signified by the date recording the sending of the document which is sent to the parties recording an award of compensation by a tribunal and "relevant decision day", subject to Articles 5, 6 and 7, means the day so signified in relation to a relevant decision.

*Computation of interest*

**3.**—(1) Subject to paragraph (2) and to Article 10, where the whole or any part of a sum payable by one party to any proceedings to another such party by virtue of a relevant decision of a tribunal remains unpaid on the calculation day, that amount of money (in this Article referred to as "the unpaid amount") shall carry interest at the stipulated rate of interest from the calculation day (including that day).

(2) Where, after the calculation day, a party to any proceedings pays to another such party some but not all of the unpaid amount, then, beginning with the day on which the payment is made, interest shall continue to accrue only on that part of the amount which then still remains unpaid.

*Rate of interest*

**4.** The stipulated rate of interest which any amount carries under Article 3 shall be the rate in force on the relevant decision day in relation to interest on amounts awarded by decree in the county court.

---

(a) 1989 c. 32
(b) S.R. 1989 No. 444