1990 No. 87

INDUSTRIAL TRIBUNALS

Industrial Tribunals (Interest) Order (Northern Ireland) 1990

Made	*8th March 1990*
Coming into operation . .	*1st April 1990*

The Department of Economic Development(a), in exercise of the powers conferred on it by Articles 61(3), (5) and (6) and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(b) 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 Industrial Tribunals (Interest) Order (Northern Ireland) 1990 and shall come into operation on 1st April 1990.

(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 1st April 1990, the relevant decision day or day to be treated as if it were that day shall be 1st April 1990.

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, such period 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 any award or other determination of the tribunal by virtue of which one party to proceedings before the tribunal is required to pay an amount, excluding any sum representing costs or expenses, to another party to those proceedings;

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

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

(b) S.I. 1976/1043 (N.I. 16); Article 61(3) to (6) was added by paragraph 4(12) of Schedule 3 to S.I. 1987/936 (N.I. 9)

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

"tribunal" means an industrial tribunal established in pursuance of the Industrial Tribunals Regulations (Northern Ireland) 1965(**a**).

(2) For the purposes of this Order an amount is required to be paid by one party to proceedings to another such party if, and only if, the sum of money required to be so paid is—

(*a*) specified in an award or other determination of a tribunal or, as the case may be, in an order or decision of an appellate court; or

(*b*) otherwise ascertainable solely by reference to the terms of such an award or determination or, as the case may be, solely by reference to the terms of such an order or decision,

but where a tribunal or, as the case may be, appellate court has made a declaration as to entitlement under a contract nothing in this Order shall be taken to provide for interest to be payable on any payment under that contract in respect of which no obligation to make the payment has arisen under that contract before the declaration was made.

(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 or other determination of a tribunal and "relevant decision day", subject to Articles 5, 6 and 7, means the day so signified in relation to a relevant decision.

(4) In this Order "party" includes the Department of Economic Development where it has elected to appear as if it were a party in accordance with a rule of procedure entitling it so to elect.

Computation of interest

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

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

(3) For the purposes of the computation of interest under this Order, there shall be disregarded—

(*a*) any part of an amount payable, which, pursuant to the Industrial Relations (Recoupment of Unemployment Benefit and Income Support) Regulations (Northern Ireland) 1977(**b**), has been claimed by the Department of Health and Social Services in a recoupment notice; and

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(a) S.R. & O. (N.I.) 1965 No. 112 as amended by S.R. & O. (N.I.) 1966 No. 261 and S.R. & O. (N.I.) 1967 No. 109

(b) S.R. 1977 No. 123: the relevant amending Regulations are S.R. 1980 No. 426, S.R. 1988 No. 147 and S.R. 1989 No. 464