1984 No. 40

INDUSTRIAL TRIBUNALS

Industrial Tribunals (Rules of Procedure) (Equal Value Amendment) Regulations (Northern Ireland) 1984

Made	*14th February 1984*
Coming into operation . . .	*15th March 1984*

The Department of Economic Development(**a**), in exercise of the powers conferred on it by Article 59 of the Industrial Relations (Northern Ireland) Order 1976(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Industrial Tribunals (Rules of Procedure) (Equal Value Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 15th March 1984.

Interpretation

2. In these Regulations—

"the Equal Pay Act" means the Equal Pay Act (Northern Ireland) 1970(**c**), as amended, with particular reference to the amendments made by the Equal Pay (Amendment) Regulations (Northern Ireland) 1984(**d**);

"the principal Regulations" means the Industrial Tribunals (Rules of Procedure) Regulations (Northern Ireland) 1981(**e**);

"the principal Rules of Procedure" means the Rules of Procedure contained in the Schedule to the principal Regulations;

and, any expression to which a meaning has been assigned by Regulation 2 of the principal Regulations shall have that meaning.

Proceedings of tribunals in cases involving equal value claims

3. In any proceedings before a tribunal involving a claim by an applicant which rests upon entitlement to the benefit of an equality clause by virtue of the operation of section 1(2)(*c*) of the Equal Pay Act—

(*a*) the principal Regulations shall have effect in relation to that claim subject to the amendments contained in Part I of the Schedule; and

(*b*) the principal Rules of Procedure shall have effect in relation to that claim subject to the amendments contained in Part II of the Schedule.

(**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 59 was amended by Schedule 4 to the Industrial Relations (No. 2) (Northern Ireland) Order 1976 (S.I. 1976/2147 (N.I. 28)). Article 3 of the Labour Relations Agency (Additional Functions) Order 1977 (S.I. 1977/177), Schedule 2 to the Industrial Relations (Northern Ireland) Order 1982 (S.I. 1982/578 (N.I. 8)) and by Regulation 3 of the Equal Pay (Amendment) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 16)

(**c**) 1970 c. 32 (N.I.)

(**d**) S.R. 1984 No. 16

(**e**) S.R. 1981 No. 188

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 14th February 1984.

(L.S.) *Trevor Pearson*
Assistant Secretary

SCHEDULE Regulation 3

PART I

Amendments to the Principal Regulations

1. In Regulation 2 (interpretation)—

(*a*) after the definition of "Department" there shall be inserted—

" "the Equal Pay Act" means the Equal Pay Act (Northern Ireland) 1970(**a**), as amended, with particular reference to the amendments made by the Equal Pay (Amendment) Regulations (Northern Ireland) 1984(**b**);

"equal value claim" means a claim by an applicant which rests upon entitlement to the benefit of an equality clause by virtue of the operation of section 1(2)(*c*) of the Equal Pay Act;

"expert" means a member of the panel of independent experts within the meaning of section 2A(4) of the Equal Pay Act;"and

(*b*) after the definition of "Register" there shall be inserted—

" "report" means a report required by a tribunal to be prepared by an expert, pursuant to section 2A(1)(*b*) of the Equal Pay Act;".

PART II

Amendments to the Principal Rules of Procedure

1.—(1) In Rule 4, after paragraph (1), there shall be inserted—

"(1A) Subject to paragraph (1B), in a case involving an equal value claim, a tribunal may, on the application of an expert who has been required by the tribunal to prepare a report,—

(*a*) require any person who the tribunal is satisfied may have information which may be relevant to the question or matter on which the expert is required to report, to furnish, in writing, such information as the tribunal may require;

(*b*) require any person to produce any documents which are in the possession, custody or power of that person and which the tribunal is satisfied may contain matter relevant to the question on which the expert is required to report;

and any information so required to be furnished or document so required to be produced shall be furnished or produced, at or within such time as the tribunal may appoint, to the Secretary of the Tribunals who shall send the information or document to the expert.

(1B) A tribunal shall not make a requirement under paragraph (1A)—

(*a*) of the Labour Relations Agency which has acted in connection with the complaint under Article 64 of the Sex Discrimination (Northern Ireland) Order 1976(**c**), or

(*b*) if it is satisfied that the person so required would have good grounds for refusing to comply with the requirement if it were a requirement made in connection with a hearing before the tribunal.".

(2) In Rule 4, after paragraph (2), there shall be inserted—

"(2A) A person, whether or not a party to the proceedings, upon whom a requirement has been made under paragraph (1A), may apply to the tribunal by notice to the Secretary of the Tribunals before the appointed time at or within which the requirement is to be complied with to vary or set aside the requirement. Notice of such application shall be given to the parties and to the expert upon whose application the requirement was made.".

(3) In paragraph (3) of Rule 4, after the words "(1)(iii)", there shall be inserted the words, "or paragraph (1A)".

(**a**) 1970 c. 32 (N.I.)
(**b**) S.R. 1984 No. 16
(**c**) S.I. 1976/1042 (N.I. 15)