EXPLANATORY MEMORANDUM TO

The Industrial Court (Membership) (Amendment) Regulations (Northern Ireland) 2022

S.R. 2022 No. 261

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 91A and 107 of the Industrial Relations (Northern Ireland) Order 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1. This statutory rule amends Regulation 3 of the Industrial Court (Membership) Regulations (Northern Ireland) 2011 (the "membership regulations"). The membership regulations specify arrangements in relation to the terms of appointment of members of the Industrial Court (the "Court"), including provision for the length of individual appointments, the process for resigning an appointment and the removal or suspension of members of the Court in certain specified circumstances.

2.2. This statutory rule removes those provisions and places a reliance on members of the Court to hold and vacate office in accordance with their terms of appointment.

3. Background

3.1. Appointments to the Court are not regulated by the Commissioner for Public Appointments for Northern Ireland (CPANI), however the Department has considered the need for appointments to the Court to reflect the principles and practices of the CPANI guidelines and Code of Practice. The Department is committed to the principles of public appointments based on merit with independent assessment, openness and transparency of process.

3.2. The amendments to the membership regulations will facilitate the Department aligning the terms of appointment for members of the Court to the 'spirit' of the CPANI guidelines and allow flexibility in the appointment process.

4. Consultation

4.1. The Department consulted with the Labour Relations Agency, the Confederation of British Industry, the Northern Ireland Committee - Irish Congress of Trade Unions, as well as with the Acting Chair of the Court.

5. Equality Impact

5.1. An Impact Assessment has not been prepared for this Statutory Rule, as it does not impose any additional regulatory obligation on the private or voluntary sectors.

6. Regulatory Impact

6.1. An Impact Assessment has not been prepared for this Statutory Rule, as it does not impose any additional regulatory obligation on the private or voluntary sectors.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. This legislation complies with section 24 of the NI Act 1998 (Convention rights etc.).

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable