EXPLANATORY MEMORANDUM TO

THE INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL (CONSTITUTION AND RULES OF PROCEDURE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2024

S.R. 2024 No. 197

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule and is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made in exercise of the powers conferred in Articles 6(6), 6(6A), 9(1), (3), (3ZA), (3A) and (3AA), 9(A), 11(4), 15(1), 15(A) and 25(5) of the Industrial Tribunals (Northern Ireland) Order 1996 and Articles 84(1), (2), (2A) and (2B), 84A, 84B(5), 85B and 104(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998. It is subject to the negative resolution procedure.

1.3 The Statutory Rule is due to come into operation on 12th December 2024.

2. Purpose

2.1 This Statutory Rule amends Schedule 1 to the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020.

3. Background

3.1 The measures in this Statutory Rule are to ensure that the industrial tribunals run more effectively and the changes are intended to reduce the administrative burden to the system and ensure that workers and businesses can resolve their disputes swiftly.

3.2 These Regulations amend the industrial tribunal rules to provide for two or more claimants to make their claim on the same form if their claims give rise to related issues of fact or law or if it is otherwise reasonable for their claims to be made on the same form. It also amends the rules to allow a response form to include the response of more than one respondent or the response to more than one claim if the responses or the claims give rise to common or related issues of fact or law or it is otherwise reasonable for the responses to be made on a single response form. This aims to reduce the administrative burden on the tribunal system and its users by eliminating the need to process separate forms for what is effectively one dispute.

3.3 The rule changes will also allow tribunals more discretion over handling errors relating to discrepancies between early conciliation numbers on the claim form and those on the early conciliation certificate where it is in the interests of justice to do so. This change aims to allow industrial tribunals

to handle errors more efficiently and reduce the burden on claimants to rectify minor discrepancies.

3.4 The Regulations make changes to rules to provide for the entry of a default judgment in prescribed circumstances. The changes also provide that judgments for withdrawn claims are exempted from the requirement to be recorded on the Register.

3.5 The Regulations make changes to provide that reasonable notice be given to the parties of the date of a final hearing and that any final hearing may be listed with less than 14 days' notice upon consent of the parties.

3.6 The rule changes will make provision to allow that an employment judge sit alone in certain circumstances as set out in the Industrial Tribunal (Northern Ireland) Order 1996.

3.7 The Regulations make changes in relation to the making of costs orders. The effect of this amendment is that a Tribunal may consider whether to make a costs order where there has been a postponement or adjournment following a late application by one of the parties.

4. Consultation

4.1 The Department conducted a short, targeted key stakeholder consultation over a four week period as the amendments are of a technical nature and do not involve policy changes.

5. Equality Impact

5.1. The Department is required under section 75 of the Northern Ireland Act 1998 to screen the proposed changes to ascertain if an Equality Impact Assessment is required. A screening exercise was, therefore, carried out on the Statutory Rule. No equality issues were identified.

6. Regulatory Impact

6.1 Given the technical nature of the Statutory Rule, no regulatory impact assessment is required. There are no impacts on the private, voluntary or public sector as a result of these changes.

7. Rural Needs Impact

7.1 A rural needs screening exercise has been carried out on the Statutory Rule. As it makes technical changes only, no impact was identified.

8. Financial Implications

8.1 There are no financial implications associated with the introduction of the Statutory Rule.

9. Section 24 of the Northern Ireland Act 1998

9.1 The Department considers the Order to be compliant with section 24 of the Northern Ireland Act 1998. It does not alter existing rights or make changes to the way in which they are exercised.

10. Parity or Replicatory Measure

10.1 This Statutory Rule applies to Northern Ireland only and is not necessary for parity elsewhere.

11. Additional Information

11.1 Not applicable.