

The Industrial Court

Annotations:
F11999 NI 9



The Industrial Court

91. — (1) There shall continue to be a body called the Industrial Court.
- (2) The functions of the Court shall be performed on behalf of the Crown, but the Court shall not be subject to directions of any kind from any Minister of the Crown or Northern Ireland department as to the manner in which it is to exercise any of its functions.



The members of the Court

- 91A. — (1) The Industrial Court shall consist of members appointed by the Department.
- (2) The Department shall appoint a member as chairman, and may appoint a member as deputy chairman or members as deputy chairmen.
- (3) The Department may appoint as members only persons experienced in industrial relations, and they shall include some persons whose experience is as representatives of employers and some whose experience is as representatives of workers.
- (4) Before making an appointment under paragraph (1) or (2) the Department shall consult the Agency and may consult other persons.
- (5) At any time when the chairman of the Industrial Court is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman, and the Court has a deputy chairman or deputy chairmen—
- (a) the deputy chairman, if there is only one, or
 - (b) if there is more than one, such of the deputy chairmen as they may agree or in default of agreement as the Department may direct,
- may perform any of the functions of chairman of the Court.
- (6) At any time when every person who is chairman or deputy chairman is absent or otherwise incapable of acting, or there is no such person, such member of the Court as the Department may direct may perform any of the functions of the chairman of the Court.
- (7) The members of the Court shall hold and vacant office in accordance with their terms of appointment.

(8) The Department shall pay to the members of the Court such remuneration and such travelling and other allowances as may be determined by the Department with the approval of the Department of Finance and Personnel and may pay to any other persons such allowances as the Department may, with the approval of the Department of Finance and Personnel, determine for the purposes of, or in connection with, their attendance at proceedings of the Court.



Proceedings of the Court

92. — (1) For the purposes of discharging any of its functions, the Court shall consist of such of the members of the Court as the chairman may direct.

(2) If in any case the Court cannot reach a unanimous decision on its award, the chairman shall decide the matter acting with the full powers of an umpire.

(3) The Department may make, or authorise the Industrial Court to make, rules regulating the procedure of the Court and such rules may provide—

(a) for references in certain cases to a single member of the court;

(b) for the Court to sit in two or more divisions;

(c) for the Court to sit with assessors;

(d) for the Court, or any division of the Court, to act notwithstanding any vacancy in its number;

(e) for enabling questions as to the interpretation of any award to be settled without any fresh reference;

(f) for the cases in which persons may appear by counsel or solicitor in proceedings before the Court.

(4) Except as provided by rules under paragraph (3)(f), no person shall be entitled to appear in any proceedings before the Court by counsel or solicitor.

(5) Where any trade dispute referred to the Court under Article 84(2)(e) involves questions as to wages or as to hours of work or otherwise as to the terms and conditions of or affecting employment which are regulated by any statutory provision, the Court shall not make any award which is inconsistent with that statutory provision.

(6) Subject to paragraphs (1) to (5), the Court shall determine its own procedure.

(7) The Arbitration Act (Northern Ireland) 1937 shall not apply to any proceedings before the Court.

(8) In relation to the discharge of the Court's functions under Schedule 1A to the Trade Union and Labour Relations Order—

- (a) Article 92A and paragraph (7) shall apply; and
- (b) paragraphs (1) to (6) shall not apply.



Proceedings of the Court under Schedule 1A to the Trade Union and Labour Relations Order

92A. — (1) For the purpose of discharging its functions under Schedule 1A to the Trade Union and Labour Relations Order in any particular case, the Industrial Court shall consist of a panel established under this Article.

(2) The chairman of the Court shall establish a panel or panels, and a panel shall consist of these three persons appointed by him—

- (a) the chairman or a deputy chairman of the Court, who shall be chairman of the panel;
- (b) a member of the Court whose experience is as a representative of employers;
- (c) a member of the Court whose experience is as a representative of workers.

(3) The chairman of the Court shall decide which panel is to deal with a particular case.

(4) A panel may at the discretion of its chairman sit in private where it appears expedient to do so.

(5) If—

- (a) a panel cannot reach a unanimous decision on a question arising before it, and
- (b) a majority of the panel have the same opinion,

the question shall be decided according to that opinion.

(6) If—

- (a) a panel cannot reach a unanimous decision on a question arising before it, and
- (b) a majority of the panel do not have the same opinion,

the chairman of the panel shall decide the question acting with the full powers of an umpire.

(7) The Department may make, or authorise the Court to make, rules regulating the procedure of the Court in discharging its functions under Schedule 1A to the Trade Union and Labour Relations Order.

(8) Subject to the above provisions, a panel shall determine its own procedure.

(9) The Court may correct in any decision or declaration of the Court under Schedule 1A to the Trade Union and Labour Relations Order any clerical mistake or error arising from an accidental slip or omission.

(10) If any question arises as to the interpretation of a decision or declaration of the Court under that Schedule any party may apply to the Court for a decision; and the Court shall decide the question after hearing the parties or, if the parties consent, without a hearing and shall notify the parties.

[^{F2}(11) The reference in paragraph (1) to the Court's functions under Schedule 1A to the Trade Union and Labour Relations Order does not include a reference to its functions under paragraph 166 of that Schedule.]

Annotations:
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