

2007 No. 103

INDUSTRIAL TRIBUNALS

RACE RELATIONS

**The Race Relations (Interest on Awards) (Amendment) Order
(Northern Ireland) 2007**

Made - - - - - *15th February 2007*

Coming into operation - - - - - *6th April 2007*

The Department for Employment and Learning(a), being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to discrimination(c), in exercise of the powers conferred by section 2(2) of the Act, and of the powers conferred by Article 16(1) and (3) of the Industrial Tribunals (Northern Ireland) Order 1996(d) (“the 1996 Order”) and Article 53(4) of the Race Relations (Northern Ireland) Order 1997(e) and now vested in it(f), with the approval of the Department of Finance and Personnel in accordance with Article 16(1) of the 1996 Order, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations (Interest on Awards) (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 6th April 2007.

(2) The Interpretation Act (Northern Ireland) 1954(g) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Amendments

2. In the Race Relations (Interest on Awards) Order (Northern Ireland) 1997(h)—

(1) in Article 1(2), for the definition of “an award under the Order”, substitute—

““an award under the Order” means an order under Article 53(1)(b) of the Order for payment of compensation, but does not include an award in respect of—

(a) costs under rules 38 to 40 and 47 of Schedule 1 to the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005(i);

(b) allowances under rules 38 and 40 of that Schedule; or

(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(b) 1972 c. 68
(c) *See* the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)
(d) S.I. 1996/1921 (N.I. 18)
(e) S.I. 1997/869 (N.I. 6)
(f) *See* S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(g) 1954 c. 33 (N.I.)
(h) S.R. 1997 No. 320
(i) S.R. 2005 No. 150

(c) preparation time under rules 42 to 44 and 47 of that Schedule,
even if that award is made in the same proceedings as an order under Article 53(1)(b);”;
(2) in Articles 4(2), 5 and 6(1)(a), after “discrimination” insert “or harassment”.

Sealed with the Official Seal of the Department for Employment and Learning on 15th February
2007.



D. S. S. McAuley
A senior officer of the
Department for Employment and Learning

The Department of Finance and Personnel hereby approves the foregoing Order.
Sealed with the Official Seal of the Department of Finance and Personnel on 15th February 2007.



Jack Layberry
A senior officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Race Relations (Interest on Awards) Order (Northern Ireland) 1997 (“the 1997 Order”). The amendments are technical in nature. They concern interest on awards that may be made by industrial tribunals.

Article 2(1) makes it clear that an award on which interest is calculated in racial discrimination cases does not include an award in respect of costs, allowances or preparation time under the rules of procedure governing industrial tribunals.

Article 2(2) amends the 1997 Order to reflect industrial tribunals’ power to deal with complaints of harassment as well as of discrimination.