

2012 No. 402

COUNTY COURTS

The County Court (Amendment) Rules (Northern Ireland) 2012

Made - - - - *6th November 2012*

Coming into operation - *3rd December 2012*

The County Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 47 of the County Courts (Northern Ireland) Order 1980(a), section 21A(10) of the Industrial Tribunals (Northern Ireland) Order 1996(b) and section 88A(10) of the Fair Employment and Treatment (Northern Ireland) Order 1998(c).

Citation and commencement

1. These Rules may be cited as the County Court (Amendment) Rules (Northern Ireland) 2012 and shall come into operation on 3rd December 2012.

Amendments to the County Court Rules (Northern Ireland) 1981

2. In Order 40 of the County Court Rules (Northern Ireland) 1981(d), after rule 22, insert:—

“PART VII

RECOVERY OF SUMS PAYABLE UNDER COMPROMISES UNDER THE INDUSTRIAL TRIBUNALS (NORTHERN IRELAND) ORDER 1996 AND THE FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

Conciliation: recovery of sums payable under compromises

23.—(1) An application under Article 21A(4) of the Industrial Tribunals (Northern Ireland) Order 1996(e) or under Article 88A(4) of the Fair Employment and Treatment (Northern Ireland) Order 1998(f) shall be made not later than 14 days from the date of issue of the certificate stating that a compromise has been reached.

(2) An application under Article 21A(4) of the Industrial Tribunals (Northern Ireland) Order 1996 or under Article 88A(4) of the Fair Employment and Treatment (Northern Ireland) Order 1998 is pending for the purposes of paragraph (7) of those articles from the

(a) S.I. 1980/397 (N.I.3) to which the most recent relevant amendment was made by the Constitutional Reform Act 2005 (c.4)
(b) 1996 (NI 18), as amended by section 10 of the Employment Act (Northern Ireland) 2011 (c.13)
(c) 1998 (NI 21), as amended by section 14 of the Employment Act (Northern Ireland) 2011 (c.13)
(d) S.R. 1981 No. 225 to which the most recent relevant amendments were made by S.R. 2011 No. 421
(e) 1996 (NI 18), as amended by section 10 of the Employment Act (Northern Ireland) 2011 (c.13)
(f) 1998 (NI 21), as amended by section 14 of the Employment Act (Northern Ireland) 2011 (c.13)

date on which it is lodged with the court until the date upon which final judgment on the application has been entered.”.

The undersigned members of the County Court Rules Committee certify these Rules and submit them to the Department of Justice.

*David K McFarland
Philip Babington
Corinne E Philpott
A E Wells
Dorcas Crawford*

Dated 19th October 2012

In exercise of the powers conferred by Article 47(4) of the County Courts (Northern Ireland) Order 1980, and after consultation with the Lord Chief Justice, I allow these Rules which shall come into operation on 3rd December 2012.

Sealed with the Official Seal of the Department of Justice on 6th November 2012.



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules (Northern Ireland) 1981 (S.R. 1981 No. 225) to insert a new Part VII into Order 40. This prescribes rules for an application for a declaration under Article 21A(4) of the Industrial Tribunals (Northern Ireland) Order 1996, or under Article 88A(4) of the Fair Employment and Treatment (Northern Ireland) Order 1998, in relation to the recovery of sums payable under compromises reached with the assistance of the Labour Relations Agency in proceedings before an industrial tribunal or the Fair Employment Tribunal.

New rule 23 provides, at paragraph (1), for the time within which an application for a declaration is to be made and, at paragraph (2), for the period during which such an application is pending for the purposes of Article 21A(7) of the Industrial Tribunals (Northern Ireland) Order 1996 or for the purposes of Article 88A(7) of the Fair Employment and Treatment (Northern Ireland) Order 1998.

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