



Northern Ireland Act 1998

1998 CHAPTER 47

PART VIII

MISCELLANEOUS

Discrimination: certificates by Secretary of State

91 The Tribunal.

- (1) There shall be a tribunal in relation to which Schedule 11 shall have effect.
- (2) The Lord Chancellor may [^{F1}, after consultation with the Lord Chief Justice of Northern Ireland,] make rules—
 - (a) for regulating the exercise of rights of appeal to the Tribunal;
 - (b) for prescribing the practice and procedure to be followed on or in connection with appeals to the Tribunal, including the mode and burden of proof and admissibility of evidence on such appeals; and
 - (c) for other matters preliminary or incidental to or arising out of such appeals.

[^{F2}(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]
- (3) Rules under this section may provide that—
- (a) a party to any proceedings before the Tribunal on an appeal; and
 - (b) where the Secretary of State is not party to any such proceedings, the Secretary of State,

has the right to be legally represented in the proceedings, subject to any power conferred on the Tribunal by such rules.

- (4) Rules under this section may, in particular—

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 91. (See end of Document for details)

- (a) make provision enabling proceedings before the Tribunal to take place without a party being given full particulars of the reasons for the issue of the certificate which is the subject of the appeal;
 - (b) make provision enabling the Tribunal to hold proceedings in the absence of any person, including a party and any legal representative appointed by a party;
 - (c) make provision about the functions in proceedings before the Tribunal of persons appointed under subsection (7); and
 - (d) make provision enabling the Tribunal to give a party a summary of any evidence taken in his absence.
- (5) Rules under this section may also include provision—
- (a) enabling any functions of the Tribunal which relate to matters preliminary or incidental to an appeal to be performed by a single member of the Tribunal; or
 - (b) conferring on the Tribunal such ancillary powers as the Lord Chancellor thinks necessary for the purposes of the exercise of its functions.
- (6) In making rules under this section, the Lord Chancellor shall have regard, in particular, to—
- (a) the need to secure that certificates which are the subject of appeals are properly reviewed; and
 - (b) the need to secure that information is not disclosed contrary to the public interest.
- (7) The [^{F3}Advocate General for Northern Ireland] may appoint a person to represent the interests of a party to proceedings before the Tribunal in any proceedings from which he and any legal representative of his are excluded.
- (8) A person appointed under subsection (7)—
- (a) shall be a member of the Bar of Northern Ireland;
 - (b) shall not be responsible to the party whose interests he represents.
- (9) In this section and section 92 “party”, in relation to proceedings on appeal, means the appellants or the person proposing to rely on the certificate which is the subject of the appeal.

Textual Amendments

- F1** Words in s. 91(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 106\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(b)
- F2** S. 91(2A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 106\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(b)
- F3** Words in s. 91(7) substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 19](#); S.R. 2010/113, [art. 2](#), Sch. para. 19(d)

Modifications etc. (not altering text)

- C1** S. 91 applied (16.8.1999) by S.I. 1998/3162 (N.I. 21), [arts. 80\(5\)](#), 96, 98; S.R. 1999/355, [art. 2\(a\)](#)
- C2** S. 91 applied (N.I.) (1.10.2006) by [The Employment Equality \(Age\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/261\)](#), [reg. 30\(5\)](#) (with reg. 50)
- C3** S. 91 applied (N.I.) (1.1.2007) by [The Equality Act \(Sexual Orientation\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/439\)](#), [reg. 51\(5\)](#) (with regs. 5(4), 16(3)(4), 26, 53)

Changes to legislation: *There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 91. (See end of Document for details)*

Commencement Information

- II** S. 91 wholly in force at 2.8.1999; s. 91 not in force at Royal Assent see s. 101(3); s. 91(1) in force for specified purposes at 15.2.1999 and s. 91(2)-(6) in force at 1.3.1999 by [S.I. 1999/340](#), [art. 2\(2\)\(3\)](#), [Sch. Pts. 2, 3](#); s. 91 in force at 2.8.1999 insofar as not already in force by [S.I. 1999/2204](#), [art. 5](#)

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 91.