
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

PART III

[^{F1}EMPLOYMENT FIELD]

[^{F1}Discrimination against office holders etc.]

[^{F1}Offices and posts to which Article 13B applies

13A.—(1) Subject to paragraphs (2) and (3), Article 13B applies to an office or post if—

- (a) the office or post is one—
 - (i) to which persons are appointed to discharge functions personally under the direction of another person, and
 - (ii) in respect of which they are entitled to remuneration,
- (b) the office or post is one to which appointments are made by a Minister of the Crown, a Northern Ireland Minister, the Assembly or a government department, or
- (c) the office or post is one to which appointments are made on the recommendation of, or subject to the approval of, a person referred to in sub-paragraph (b).

(2) Article 13B does not apply to an office or post if Article 8 (Applicants and employees), Article 12 (Contract workers), or Article 14 (Partnerships)—

- (a) applies in relation to an appointment to the office or post, or
- (b) would apply in relation to an appointment to an office or post but for the operation of any other provision of this Order.

(3) Article 13B does not apply to—

- (a) any office of the House of Commons held by a member of it,
- (b) a life peerage within the meaning of the Life Peerages Act 1958, or any office of the House of Lords held by a member of it,
- (c) any office of the Assembly held by a member of it,
- (d) any office of a district council held by a member of it,
- (e) any office of a political party.

(4) For the purposes of paragraph (1)(a), the holder of an office or post—

- (a) is to be regarded as discharging her functions under the direction of another person if that other person is entitled to direct her as to when and where she discharges those functions;
- (b) is not to be regarded as entitled to remuneration merely because she is entitled to payments—
 - (i) in respect of expenses incurred by her in carrying out the functions of the office or post, or

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(ii) by way of compensation for the loss of income or benefits she would or might have received from any person had she not been carrying out the functions of the office or post.

(5) In this Article and Article 13B, appointment to an office or post does not include election to an office or post.]

F1 SR 2005/426

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.3 rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(4\). Sch.15](#)
- Sch.6 para.2 rev. (prosp.) by [1998 c. 47 s. 100\(2\)Sch.15](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.54(2)(3)(4) rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(3\)\(b\). Sch. 15](#)