
STATUTORY INSTRUMENTS

1992 No. 810

**The Local Government (Miscellaneous
Provisions) (Northern Ireland) Order 1992**

PART III

PUBLIC SUPPLY OR WORKS CONTRACTS

Fair employment matters

20.—(1) A council which takes any action to comply with section 41 of the Fair Employment (Northern Ireland) Act 1989⁽¹⁾ (restriction on execution of works, etc., by unqualified persons) does not exercise any function regulated by Article 19 by reference to a non-commercial matter.

(2) Subject to paragraph (3), nothing in Article 19 shall preclude a council from—

- (a) asking questions or seeking undertakings of any person relating to whether any person is or is not an unqualified person for the purposes of section 41 of that Act of 1989 and considering the responses to them, or
- (b) including in a draft contract or draft tender for a contract terms or provisions requiring that the person or persons who are to carry out work under the draft contract or draft tender are to be considered not to be unqualified for the purposes of that section 41 and considering the responses to them, if, as the case may be, consideration of the information, the giving of the undertaking or the inclusion of the terms or provision is reasonably necessary to secure compliance with that section 41.

(3) Paragraph (2) does not apply to the function of terminating a subsisting contract and, in relation to functions as respects approved lists or proposed contracts, does not authorise questions in other than written form.

(4) Where it is permissible under paragraph (2) to ask a question it is also permissible to make, if it is in writing, a request for—

- (a) evidence in support of an answer to the question; or
- (b) information as to whether any person is or is not unqualified for the purpose of section 41 of that Act of 1989.

(5) In this Article “unqualified” has the same meaning as in sections 38 and 39 of the Fair Employment (Northern Ireland) Act 1989⁽²⁾.

(1) 1989 c. 32

(2) 1989 c. 32