

1989 No. 475

FAIR EMPLOYMENT

**Fair Employment (Specification of Public Authorities) Order
(Northern Ireland) 1989**

Made 7th December 1989

Coming into operation 1st January 1990

Whereas, in accordance with section 25(3) of the Fair Employment (Northern Ireland) Act 1989(a) (“the Act of 1989”), each person who, by virtue of the following Order, becomes a public authority for any of the purposes of sections 27 to 42 of that Act is—

- (1) a Minister of the Crown or the head of a Northern Ireland department;
- (2) a body created by a statutory provision, within the meaning of the Interpretation Act (Northern Ireland) 1954(b), or the holder of any office so created; or
- (3) a person appearing to the Department of Economic Development (“the Department”)(c) to exercise functions of a public nature;

And whereas, in accordance with section 26(4) of the Act of 1989, it appears to the Department that some or all of the people who are employed by each person, who by virtue of the following Order becomes an employer for the purposes of sections 27 to 37 of that Act, who are in the service of the Crown for the purposes of the functions of those persons or who are treated by virtue of the following Order as so employed or as in such service, are employed or serve in Northern Ireland;

Now, therefore, the Department in exercise of the powers conferred on it by sections 25(1) and (2) and 26(2) of the Act of 1989 and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

(a) 1989 c. 32

(b) 1954 c. 33 (N.I.)

(c) see section 47(5) of the Act of 1989 as read with section 57(1) of the Fair Employment (Northern Ireland) Act 1976 (c. 25); the Department of Manpower Services was renamed the Department of Economic Development by S.I. 1982/846 (N.I. 11) Article 3

(2) Expressions used in this Order which are also used in Part II of the Act of 1989 shall, unless the contrary intention appears, have the same meaning as in that Part.

(3) In this Order—

“the Act of 1989” means the Fair Employment (Northern Ireland) Act 1989;

“Northern Ireland civil servant” means any person serving wholly or mainly in Northern Ireland in the civil service of the Crown and whose remuneration is paid out of moneys appropriated by a transferred provision or the consolidated fund, other than a person whose service normally involves less than sixteen hours weekly;

“reserve force” means a reserve force within the meaning of section 10(4) of the Reserve Forces Act 1980(a);

“reservist” means any member of the Ulster Defence Regiment, or of any Reserve Force, who serves wholly or mainly in Northern Ireland, other than a person whose service normally involves less than sixteen hours weekly;

“transferred provision” has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954; and

“United Kingdom civil servant” means any person serving wholly or mainly in Northern Ireland in the civil service of the Crown other than—

- (a) a person whose service normally involves less than sixteen hours weekly; or
- (b) a Northern Ireland civil servant.

Specification of public authorities

3. For the purposes of sections 27 to 37 of the Act of 1989:—

- (a) the head of the Department of Finance and Personnel shall be a public authority and all Northern Ireland civil servants shall be treated as employees of that authority;
- (b) the Minister for the Civil Service shall be a public authority and all United Kingdom civil servants shall be treated as employees of that authority;
- (c) the Secretary of State for Defence shall be a public authority and all reservists shall be treated as employees of that authority.

4. Each of the persons specified in Part I of the Schedule shall be a public authority for the purposes of sections 27 to 42 of the Act of 1989.

5. Each of the persons specified in Part II of the Schedule shall be a public authority for the purposes of sections 38 to 42 of the Act of 1989.

(a) 1980 c. 9

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Sealed with the Official Seal of the Department of Economic
Development on 7th December 1989.

(L.S.)

P. Simpson,

Assistant Secretary

SCHEDULE

Articles 4 and 5

PART I

Public Authorities for the purposes of sections 27 to 42 of the Act of 1989.

Agricultural Research Institute of Northern Ireland
 Arts Council for Northern Ireland
 Belfast Harbour Commissioners
 British Broadcasting Corporation
 Chief Constable of the Royal Ulster Constabulary
 Chief Electoral Officer for Northern Ireland
 Citybus Limited
 Coleraine Harbour Commissioners
 Comptroller and Auditor General for Northern Ireland
 Any District Council
 Any Education and Library Board established under Article 3 of
 the Education and Libraries (Northern Ireland) Order 1986(a)
 Enterprise Ulster
 Equal Opportunities Commission for Northern Ireland
 Fair Employment Commission for Northern Ireland
 Fire Authority for Northern Ireland
 Fisheries Conservancy Board for Northern Ireland
 Flexibus Limited
 Foyle Fisheries Commission
 General Consumer Council for Northern Ireland
 Any Health & Social Services Board established under Article 16(1) of the
 Health and Personal Social Services (Northern Ireland) Order 1972(b)
 Independent Broadcasting Authority
 Independent Commission for Police Complaints for Northern Ireland
 Any Industrial Training Board established under Article 14(1) of the
 Industrial Training (Northern Ireland) Order 1984(c)
 Labour Relations Agency
 Laganside Corporation
 Livestock Marketing Commission for Northern Ireland
 Local Enterprise Development Unit
 Local Government Staff Commission for Northern Ireland
 Londonderry Port and Harbour Commissioners
 Mental Health Commission for Northern Ireland
 Milk Marketing Board for Northern Ireland
 National Board for Nursing, Midwifery and Health Visiting for Northern
 Ireland
 Northern Ireland Airports Limited
 Northern Ireland Central Services Agency for the Health and Social
 Services
 Northern Ireland Commissioner for Complaints
 Northern Ireland Economic Development Office
 Northern Ireland Electricity
 Northern Ireland Fishery Harbour Authority
 Northern Ireland Health and Social Services Training Council
 Northern Ireland Housing Executive
 Northern Ireland Local Government Officers' Superannuation Committee

(a) S.I. 1986/594 (N.I. 3)

(b) S.I. 1972/1265 (N.I. 14)

(c) S.I. 1984/1159 (N.I. 9)

Northern Ireland Parliamentary Commissioner for Administration
Northern Ireland Railways Company Limited
Northern Ireland Schools' Examination Council
Northern Ireland Tourist Board
Northern Ireland Training Authority
Northern Ireland Transport Holding Company
Pigs Marketing Board (Northern Ireland)
Police Authority for Northern Ireland
Post Office
Probation Board for Northern Ireland
Rathgael and Whiteabbey Schools Management Board
Sports Council for Northern Ireland
Staff Commission for Education and Library Boards
The Board of Governors of Stranmillis College of Education, Belfast
Trustees of the Ulster Folk and Transport Museum
Trustees of the Ulster Museum
Ulster Sheltered Employment Limited
Ulsterbus Limited
Warrenpoint Harbour Authority

PART II

Public Authorities for the purposes of sections 38 to 42 of the Act of 1989

Minister of Agriculture, Fisheries and Food
Commissioners of Customs and Excise
Secretary of State for Defence
Secretary of State for the Environment
Secretary of State for the Home Department
Board of Inland Revenue
The Lord Chancellor
The Controller of Her Majesty's Stationery Office
The Director of Savings (Department for National Savings)
Secretary of State for Northern Ireland
Secretary of State for Social Security
Secretary of State for Trade and Industry
Secretary of State for Transport
Any Northern Ireland department
The head of any Northern Ireland department

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies a number of persons or bodies as public authorities for certain purposes under Part II of the Fair Employment (Northern Ireland) Act 1989 ("the Act of 1989") and provides for the persons who are to be treated for such purposes as the employees of some of those authorities.

For the purposes of sections 27 to 37 of the Act of 1989, Article 3—

- (a) specifies the head of the Department of Finance and Personnel as a public authority and provides that all Northern Ireland civil servants (as defined) shall be treated as employees of that authority;
- (b) specifies the Minister for the Civil Service as a public authority and provides that all United Kingdom civil servants (as defined) shall be treated as employees of that authority; and
- (c) specifies the Secretary of State for Defence as a public authority and provides that all reservists (as defined) shall be treated as employees of that authority.

Article 4 specifies each of the persons listed in Part I of the Schedule as a public authority for the purposes of sections 27 to 42 of the Act of 1989.

Article 5 specifies each of the persons listed in Part II of the Schedule as a public authority for the purposes of sections 38 to 42 of the Act of 1989.

Where a person who is specified as a public authority for the purposes of sections 27 to 37 of the Act of 1989 is the employer, or by virtue of Article 3 becomes the employer, of certain persons then Part II of the Act of 1989 imposes certain duties on him, particularly with respect to those persons. He is required to prepare and serve for each year on the Fair Employment Commission for Northern Ireland ("the Commission") a return (referred to as a "monitoring return") to enable the composition of his workforce to be ascertained; that is to say the number who belong to the Protestant community and the number who belong to the Roman Catholic community in Northern Ireland. In addition the monitoring return he is required to serve must show the composition of applicants for employment in his workforce. Other provisions of sections 27 to 37 of the Act of 1989 such as those requiring periodic review of recruitment, training and promotion practices; those relating to enquiries by the Commission and undertakings by and directions to employers; and those providing for the setting of goals and timetables also apply to public authorities specified for the purposes of those sections.

Where a public authority is specified for the purposes of sections 38 to 42 of the Act of 1989 it is prohibited from entering into any contract with a person who is not qualified for the purposes of sections 41 to 43 of that Act and who, in response to an invitation by the authority offers to execute any work or supply any goods or services to it. Any contravention of or failure to comply with this duty is actionable by any person who, in consequence, suffers loss or damage.