

1990 No. 453

FAIR EMPLOYMENT

**Fair Employment (Specification of Public Authorities)
(Amendment) Order (Northern Ireland) 1990**

Made 28th December 1990

Coming into operation 1st January 1991

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) (Amendment) Order (Northern Ireland) 1990 and shall come into operation on 1st January 1991.

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; and

“the principal Order” means the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989(a).

Amendment of the principal Order

3.—(1) Subject to paragraph (2), in Article 2(3) of the principal Order—

(a) for the definition of “Northern Ireland civil servant” there shall be substituted the following definition:

“ “Northern Ireland civil servant” means any person appointed to a situation in the Northern Ireland Civil Service, other than a person whose service in such a situation normally involves less than sixteen hours weekly;” and

(b) the definition of “transferred provision” shall be deleted.

(2) Those who, for the purposes of sections 27 to 37 of the Act of 1989, were treated as employees of the head of the Department of Finance and Personnel or as employees of the Minister for the Civil Service, as the case may be, under the principal Order as it had effect immediately before the coming into operation of this Article shall, for those purposes, continue to be so treated in relation to any year which commenced on or before 1st January 1991 as if the amendments effected by paragraph (1) had not been made.

4. In Part I of the Schedule to the principal Order—

(a) after the reference to the Comptroller and Auditor General for Northern Ireland there shall be inserted a reference to the Council for Catholic Maintained Schools;

(b) after the reference to the Northern Ireland Commissioner for Complaints there shall be inserted a reference to the Northern Ireland Curriculum Council;

(c) after the reference to the Northern Ireland Health and Social Services Training Council there shall be inserted a reference to the Northern Ireland Health Promotion Agency;

(d) for the reference to the Northern Ireland Schools' Examination Council there shall be substituted a reference to the Northern Ireland Schools Examinations and Assessment Council; and

(e) after the reference to Warrenpoint Harbour Authority there shall be inserted a reference to the Youth Council for Northern Ireland.

Sealed with the Official Seal of the Department of Economic
Development on 28th December 1990.

(L.S.)

W. D. Duncan

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989 which 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.

By virtue of Article 3 certain persons in the Northern Ireland Civil Service who are paid out of the United Kingdom Exchequer and who, for the purposes of sections 27 to 37 of the Act of 1989, were treated as employees of the Minister for the Civil Service are, for those purposes, now treated as employees of the head of the Department of Finance and Personnel. This transfer only has effect in relation to the year beginning 1st January 1992 and subsequent years.

Article 4 adds to the list of bodies who are public authorities for the purposes of sections 27 to 42 of the Act of 1989. It also deletes from that list the Northern Ireland Schools' Examinations Council which ceased to exist on 1st April 1990.