

1993 No. 4

FAIR EMPLOYMENT

**Fair Employment (Specification of Public Authorities)
(Amendment) Order (Northern Ireland) 1993**

Made 8th January 1993

Coming into operation 31st January 1993

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) 1993 and shall come into operation on 31st January 1993.

Interpretation

2. 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

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

3. The Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989(a) shall be amended as provided in Articles 4 to 6.

Interpretation

4. In Article 2(3)—

(a) after the definition of “the Act of 1989” there shall be inserted the following definition—

“ “member of the home service forces” means any member of the armed forces whose service (or service otherwise than for the purposes of training) is restricted to Northern Ireland and who is in such service there for not less than 16 hours weekly;” and

(b) in the definition of “reservist” for the words “any member of the Ulster Defence Regiment, or” there shall be substituted “a member”.

Specification of public authorities

5. For Article 3(c) there shall be substituted—

“(c) the Secretary of State for Defence shall be a public authority and all reservists and members of the home service forces shall be treated as employees of that authority.”.

6. In Part I of the Schedule the references to the Independent Broadcasting Authority, the Northern Ireland Health and Social Services Training Council and the Northern Ireland Training Authority shall be deleted.

Sealed with the Official Seal of the Department of Economic Development on 8th January 1993.

(L.S.)

D. Gibson

Under Secretary

(This note is not part of the Order.)

This Order further 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 Articles 3 to 5 of this Order those persons serving in Northern Ireland for not less than 16 hours weekly in battalions of the former Ulster Defence Regiment (which are now part of the Royal Irish Regiment) shall be, or shall continue to be, treated for the purposes of sections 27 to 37 of the Act of 1989 as employees of the Secretary of State for Defence.

Article 6 deletes from the list of bodies who are public authorities for the purposes of sections 27 to 42 of the Act of 1989 the Independent Broadcasting Authority, the Northern Ireland Health and Social Services Training Council and the Northern Ireland Training Authority all of which have ceased to exist.