
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 321

RACE RELATIONS

**Race Relations (Formal Investigations)
Regulations (Northern Ireland) 1997**

Made - - - - *30th June 1997*

Coming into operation *4th August 1997*

The Department of Economic Development, in exercise of the powers conferred on it by Articles 2(2), 47(3), 48(1) and 55(2) of the Race Relations (Northern Ireland) Order 1997⁽¹⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Race Relations (Formal Investigations) Regulations (Northern Ireland) 1997 and shall come into operation on 4th August 1997.

Interpretation

2. In these Regulations—

“the Commission” shall have the meaning assigned to it by the Order except that in regulations 4 and 5 as respects any of the functions of the Commission in relation to a formal investigation which the Commission has delegated under Article 46(3) of the Order, “the Commission” shall mean the persons, being either Commissioners or additional Commissioners, to whom those functions have been so delegated; and

“the Order” means the Race Relations (Northern Ireland) Order 1997.

Service of notices

3. Any reference to a person being served with a notice, in regulations 4, 5 and 6, is a reference to service of the notice on him being effected—

- (a) by delivering it to him; or
- (b) by sending it by post to him at his usual or last-known residence or place of business; or
- (c) where the person is a body corporate or is a trade union or an employers' association within the meaning of the Industrial Relations (Northern Ireland) Order 1992⁽²⁾, by delivering

(1) S.I.1997/869 (N.I. 6)
(2) S.I. 1992/807 (N.I. 5)

- it to the secretary or clerk of the body, union or association at its registered or principal office or by sending it by post to that secretary or clerk at that office; or
- (d) where the person is acting by a solicitor by delivering it at, or by sending it by post to, the solicitor's address for service.

Notice of holding of formal investigation

4.—(1) Where, in pursuance of Article 47 of the Order, notice of the holding of a formal investigation falls to be given by the Commission to a person named in the terms of reference for the investigation, that person shall be served with a notice of the holding of the investigation.

(2) Where the terms of reference for a formal investigation are revised, paragraph (1) shall apply in relation to the formal investigation so revised as it applied to the original.

Requirement to furnish or give information or produce documents

5. Where, in pursuance of Article 48(1) of the Order, the Commission requires a person to furnish written information, give oral information or produce documents, that person shall be served with a notice in the form set out in Schedule 1, with such variations as the circumstances may require.

Non-discrimination notice

6. A non-discrimination notice served by the Commission in pursuance of Article 55(2) of the Order shall be in the form set out in Schedule 2, with such variations as the circumstances may require.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

30th June 1997.

G. I. O'Doherty
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 5

Requirement to Furnish Written Information or give Oral Evidence and Produce Documents
(The Race Relations (Northern Ireland) Order 1997, Article 48(1))

To A.B. of

For the purposes of the formal investigation being conducted by the Commission for Racial Equality for Northern Ireland ("the Commission") notice of which [was given to you in a notice dated _____] [as set out in the Schedule hereto], you are hereby required in pursuance of Article 48(1) of the Race Relations (Northern Ireland) Order 1997 ("the Order") and subject to Article 48(3) thereof, [to furnish such written information as is hereinafter described, namely (*description of information*). The said information is to be furnished (*specify the time or times at which, and the manner and form in which, the information is to be furnished*)] [to attend at (*insert time*) on (*insert date*) at (*insert place*) and give oral information about (*or give oral evidence about, and produce all documents in your possession or control relating to,*) such matters as are hereinafter specified, namely (*specify matters*).]

Dated the _____ day of _____ 19 ____ .

This notice was issued by the [Commission] [Commissioners/Commissioners and additional Commissioners] to whom the Commission has, in pursuance of Article 46(3) of the Order and in relation to the investigation, delegated its functions under Article 48(1) thereof.

[Service of this notice was authorised by an order made by the Department of Economic Development in pursuance of Article 48(2)(a) of the Order and dated (*insert date*), a copy of which is attached.]

[Having regard to the terms of reference of the investigation and the provisions of Article 48(2)(b) and Article 57 of the Order, service of this notice does not require the authorisation of the Department of Economic Development.]

C.D.

[Commissioner.]

[General Manager (*or other appropriate officer*) of the Commission.]

[SCHEDULE

HOLDING OF INVESTIGATION]

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SCHEDULE 2

Regulation 6

Non-Discrimination Notice
(The Race Relations (Northern Ireland) Order 1997, Article 55)

To A.B. of

Whereas, in the course of a formal investigation, the Commission for Racial Equality for Northern Ireland ("the Commission") has become satisfied that you were committing/had committed an act/acts to which Article 55 of the Race Relations (Northern Ireland) Order 1997 ("the Order") applies, namely, *(insert particulars of act or acts)* [and are of the opinion that further such acts are likely to be committed unless changes are made in your practices or other arrangements as respects *(insert particulars)*].

Now, therefore, without prejudice to your other duties under the Order, you are hereby required, in pursuance of Article 55(2) of the Order, not to commit any act which is [an unlawful discriminatory act by virtue of *(insert reference to relevant Part or provision of the Order)*] [a contravention of Article 28 of the Order] [an act which is a contravention of Article 29/30/31 of the Order by reference to Part II/Part III thereof].

Where compliance with the aforesaid requirement involves changes in any of your practices or other arrangements, you are further required, in pursuance of the said Article 55(2), to inform the Commission [as hereinafter provided] that you have effected those changes and what those changes are [and to take the following steps for the purpose of affording that information to other persons concerned, namely, *(specify steps to be taken)*].

[You are further required, in pursuance of Article 55(3) of the Order, to furnish the Commission as hereinafter provided with the following information, to enable it to verify your compliance with this notice, namely, *(insert description of information required)*.]

[The information to be furnished by you to the Commission in pursuance of this notice shall be furnished as follows, namely, *(specify the time or times at which, and the manner and form in which, the information, or information of a particular description, is to be furnished)*.]

Dated the day of 19 .

This notice was issued by the Commission, the provisions of Article 55(5) of the Order having been complied with.

C.D.

[Commissioner.]

[General Manager *(or other appropriate officer)* of the Commission.]

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations relate to notices given for the purpose of formal investigations under the Race Relations (Northern Ireland) Order 1997 and to non-discrimination notices issued in consequence of such investigations.

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Regulation 3 provides for the manner of service of notices.

Regulation 4 provides that notice of an investigation is to be given to certain individuals in cases in which general notice of the investigation is not given.

Regulation 5 prescribes the form of a notice requiring a person to furnish or give information or produce documents.

Regulation 6 prescribes the form of a non-discrimination notice.