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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 371**

**FAIR EMPLOYMENT**

**Fair Employment (Specification of Public Authorities) (No. 2) Order (Northern Ireland) 2000**

*Made - - - - 27th November 2000*

*Coming into operation 1st January 2001*

Whereas, in accordance with Article 50(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998<sup>(1)</sup> (“the 1998 Order”), each person who, by virtue of the following Order, becomes a public authority for any of the purposes of Articles 52 to 65 of the 1998 Order is:

- (1) a Minister of the Crown or a Northern Ireland Minister;
- (2) a statutory body or the holder of a statutory office; or
- (3) a person appearing to the Office of the First Minister and deputy First Minister<sup>(2)</sup> (“the Department”) to exercise functions of a public nature;

And whereas, in accordance with Article 51(4) of the 1998 Order, 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 Articles 52 to 61 of the 1998 Order, 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 by Article 50(1) and (2) and Article 51(2) of the 1998 Order and now vested in it<sup>(3)</sup> and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Fair Employment (Specification of Public Authorities) (No. 2) Order (Northern Ireland) 2000 and shall come into operation on 1st January 2001.

(2) In this Order—

“the 1998 Order” means the Fair Employment and Treatment (Northern Ireland) Order 1998<sup>(4)</sup>;

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(1) S.I.1998/3162 (N.I. 21)  
(2) See S.R. 1999 No. 481; Article 4(a) and Part I Schedule 2  
(3) S.R. 1999 No. 481. Schedule 2, Part 1  
(4) S.I. 1998/3162 (N.I. 21)

“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;

“Northern Ireland civil servant” means any person appointed to a situation in the Northern Ireland Civil Service;

“police force” has the same meaning as in the Police (Northern Ireland) Act 1998<sup>(5)</sup>;

“reserve force” means a reserve force within the meaning of section 1(2) of the Reserve Forces Act 1996<sup>(6)</sup>;

“reservist” means a member of any reserve force who serves wholly or mainly in Northern Ireland; 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 Northern Ireland civil servant.

### **Specification of public authorities**

2. For the purposes of Articles 52 to 61 of the 1998 Order:—

- (a) the Minister for 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 and members of the home service forces shall be treated as employees of that authority; and
- (d) the Chief Constable of the Royal Ulster Constabulary shall be a public authority and all members of the police force shall be treated as employees of that authority.

3. Each of the persons specified in Part I of the Schedule shall be a public authority for the purposes of Articles 52 to 65 of the 1998 Order.

4. Each of the persons specified in Part II of the Schedule shall be a public authority for the purposes of Articles 62 to 65 of the 1998 Order.

### **Revocation**

5. The Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 2000<sup>(7)</sup> is hereby revoked.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 27th November 2000.

*David Trimble*  
First Minister

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(5) 1998 c. 32  
(6) 1996 c. 14  
(7) S.R. 2000 No. 199

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

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*Séamus Mallon*  
Deputy First Minister

SCHEDULE

Articles 3 and 4

Part I

Public Authorities for the purposes of Articles 52 to 65 of the 1998 Order

Agricultural Research Institute of Northern Ireland

Altnagelvin Hospitals Health and Social Services Trust

Armagh and Dungannon Health and Social Services Trust

Arts Council of Northern Ireland

Assembly Ombudsman for Northern Ireland

Belfast City Hospital Health and Social Services Trust

Belfast Education and Library Board

Belfast Harbour Commissioners

The Board of Governors of Stranmillis University College, Belfast

Board of Trustees of the National Museums and Galleries of Northern Ireland

British Broadcasting Corporation

Causeway Health and Social Services Trust

Chief Electoral Officer for Northern Ireland

Citybus Limited

Coleraine Harbour Commissioners

Comptroller and Auditor General for Northern Ireland

Construction Industry Training Board

Council for Catholic Maintained Schools

Craigavon Area Hospital Group Health and Social Services Trust

Craigavon and Banbridge Community Health and Social Services Trust

Any District Council

Down Lisburn Health and Social Services Trust

Eastern Health and Social Services Board

Enterprise Ulster

Equality Commission for Northern Ireland

Fire Authority for Northern Ireland

Fisheries Conservancy Board for Northern Ireland

Flexibus Limited

Foyle, Carlingford and Irish Lights Commission

Foyle Health and Social Services Trust

General Consumer Council for Northern Ireland

The governing body of the Armagh College of Further Education

The governing body of the Belfast Institute of Further and Higher Education

The governing body of the Castlereagh College of Further and Higher Education

The governing body of the Causeway Institute of Further and Higher Education

The governing body of the East Antrim Institute of Further and Higher Education  
The governing body of the East Down Institute of Further and Higher Education  
The governing body of the East Tyrone College of Further and Higher Education  
The governing body of the Fermanagh College of Further and Higher Education  
The governing body of the Limavady College of Further and Higher Education  
The governing body of the Lisburn Institute of Further and Higher Education  
The governing body of the Newry and Kilkeel Institute of Further and Higher Education  
The governing body of the North Down and Ards Institute of Further and Higher Education  
The governing body of the North East Institute of Further and Higher Education  
The governing body of the North West Institute of Further and Higher Education  
The governing body of Northern Ireland Hotel and Catering College  
The governing body of the Omagh College of Further Education  
The governing body of the Upper Bann Institute of Further and Higher Education  
Green Park Health and Social Services Trust  
Homefirst Community Health and Social Services Trust  
The Juvenile Justice Board  
Labour Relations Agency  
Laganside Corporation  
Livestock and Meat Commission for Northern Ireland  
Local Enterprise Development Unit  
Local Government Staff Commission for Northern Ireland  
Londonderry Port and Harbour Commissioners  
Mater Infirmorum Hospital Health and Social Services Trust  
Mental Health Commission for Northern Ireland  
National Board for Nursing, Midwifery and Health Visiting for Northern Ireland  
Newry and Mourne Health and Social Services Trust  
North Eastern Education and Library Board  
North and West Belfast Health and Social Services Trust  
The North/South Language Body  
Northern Health and Social Services Board  
Northern Ireland Ambulance Service Health and Social Services Trust  
Northern Ireland Assembly Commission  
Northern Ireland Blood Transfusion Service Agency  
Northern Ireland Central Services Agency for the Health and Social Services  
Northern Ireland Commissioner for Complaints  
Northern Ireland Community Relations Council  
Northern Ireland Council for the Curriculum, Examinations and Assessment  
Northern Ireland Council for Postgraduate Medical and Dental Education  
Northern Ireland Economic Development Office  
Northern Ireland Fishery Harbour Authority

Northern Ireland Guardian Ad Litem Agency  
Northern Ireland Health Promotion Agency  
Northern Ireland Housing Executive  
Northern Ireland Human Rights Commission  
Northern Ireland Local Government Officers' Superannuation Committee  
Northern Ireland Railways Company Limited  
Northern Ireland Regional Medical Physics Agency  
Northern Ireland Tourist Board  
Northern Ireland Transport Holding Company  
Police Authority for Northern Ireland  
The Police Ombudsman for Northern Ireland  
Post Office  
Probation Board for Northern Ireland  
Royal Group of Hospitals and Dental Hospital Health and Social Services Trust  
South and East Belfast Health and Social Services Trust  
South Eastern Education and Library Board  
Southern Education and Library Board  
Southern Health and Social Services Board  
The Special EU Programmes Body  
Sperrin Lakeland Health and Social Services Trust  
Sports Council for Northern Ireland  
Staff Commission for Education and Library Boards  
The Trade and Business Development Body  
Ulster Community and Hospitals Health and Social Services Trust  
Ulster Supported Employment Limited  
Ulsterbus Limited  
United Hospitals Health and Social Services Trust  
Warrenpoint Harbour Authority  
Waterways Ireland  
Western Education and Library Board  
Western Health and Social Services Board  
Youth Council for Northern Ireland

## Part II

Public authorities for the purposes of Articles 62 to 65 of the 1998 Order  
Minister of Agriculture, Fisheries and Food  
Commissioners of Customs and Excise  
Secretary of State for Defence  
Secretary of State for the Environment, Transport and the Regions

Secretary of State for the Home Department  
Board of Inland Revenue  
The Lord Chancellor  
The Chief Constable of the Royal Ulster Constabulary  
The Comptroller of Her Majesty's Stationery Office  
The Director-General for Electricity Supply for Northern Ireland  
The Director-General of Gas for Northern Ireland  
The Director of Savings (Department for National Savings)  
Health and Safety Executive for Northern Ireland  
Secretary of State for Northern Ireland  
Secretary of State for Social Security  
Secretary of State for Trade and Industry  
Any Northern Ireland Department  
Any Northern Ireland Minister  
The governing body of an Institution of Further Education within the meaning of the Further Education (Northern Ireland) Order 1997  
Any Health and Social Services trust established under Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991  
Any company nominated for the purposes of section 62 of the Postal Services Act 2000

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## **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 VII of the Fair Employment and Treatment (Northern Ireland) Order 1998 ("the 1998 Order") and provides for the persons who are to be treated for such purposes as the employees of some of those authorities.

For the purpose of Articles 52 to 61 of the 1998 Order, Article 2—

- (a) specifies the Minister for 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;
- (c) specifies the Secretary of State for Defence as a public authority and provides that all reservists and members of the home service forces (as defined) shall be treated as employees of that authority; and
- (d) specifies the Chief Constable of the Royal Ulster Constabulary as a public authority and provides that all members of the police force (as defined) shall be treated as employees of that authority.

Article 3 specifies each of the persons listed in Part I of the Schedule as a public authority for the purposes of Articles 52 to 65 of the 1998 Order.

Article 4 specifies each of the persons listed in Part II of the Schedule as a public authority for the purposes of Articles 62 to 65 of the 1998 Order.

Where a person who is specified as a public authority for the purposes of Articles 52 to 61 of the 1998 Order is the employer, or by virtue of Article 2 becomes the employer, of certain persons then Part VII of the 1998 Order imposes certain duties on him, particularly with respect to those persons. He is required to prepare and serve for each year on the Equality 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 and the composition of those ceasing to be employed by him. Other provisions of Articles 52 to 61 of the 1998 Order 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 Articles.

Where a public authority is specified for the purposes of Articles 62 to 65 of the 1998 Order it is prohibited from entering into any contract with a person who is not qualified for the purposes of Articles 64 to 66 of that Order 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.

Article 5 revokes the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 2000.