
DRAFT STATUTORY INSTRUMENTS

1998 No.

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART X

APPLICATION TO THE CROWN, THE POLICE AND PUBLIC AUTHORITIES

Procedure following investigation under Article 11 in relation to certain public authorities

95.—(1) This Article applies where, following an investigation under Article 11, the Commission is of the opinion that action for promoting equality of opportunity ought to be taken by any of the following authorities, namely—

- (a) a Minister of the Crown or a government department or a person acting for purposes of such a Minister or department; or
- (b) a member of Her Majesty's forces acting as such; or
- (c) any other person acting on behalf of the Crown, being a statutory body or a person holding a statutory office; or
- (d) the Police Authority for Northern Ireland or the Chief Constable of the Royal Ulster Constabulary;

and, accordingly, Articles 12(3), 14, 15 and 16 shall not have effect in relation to any such authority.

(2) Where the Commission asks for an undertaking such as is mentioned in Article 12(2)(b), but—

- (a) the undertaking is not given; or
- (b) the undertaking, although given, is not complied with,

the Commission shall send a report of the results of its investigation and of the opinion it has formed in relation to the subject-matter of the investigation (including any recommendations the Commission considers appropriate for action on the part of the authority concerned)—

- (i) where the investigation related to a Minister of the Crown, to that Minister;
- (ii) where the investigation related to a government department, to the Minister of the Crown in charge of the department, or in the case of a Northern Ireland department to the Northern Ireland Minister in charge of the department; or
- (iii) where the investigation related to any other authority, to the Minister of the Crown or the Northern Ireland Minister generally responsible for matters falling within the scope of the functions of that authority.

(3) Where the report is sent to a Minister of the Crown he shall lay it before Parliament; and where the report is sent to a Northern Ireland Minister he shall lay it before the Assembly.

(4) A person who is not in the service of the Crown shall not be regarded as within paragraph (1)
(a) by reason only of his acting in pursuance of a contract entered into with a Minister of the Crown or a government department.