

## SCHEDULES

### SCHEDULE 3

Article 105(1).

### AMENDMENTS

#### *The Parliamentary Commissioner Act 1967 (c. 13)*

In section 5 after subsection (2) insert—

“(2A) Subsection (2)(a) of this section shall have effect in relation to the right of a person to make a complaint of unlawful discrimination under the Fair Employment and Treatment (Northern Ireland) Order 1998 as if it were such a right of appeal, reference or review as is mentioned in that subsection.”.

#### *The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (c. 7 (N.I.))*

In section 2(1) for paragraph (b) substitute—

- “(b) the holder of any of the following offices who is remunerated, apart from any allowances, on an annual basis, that is to say—
- (i) President or Vice-President of the Industrial Tribunals and the Fair Employment Tribunal; and
  - (ii) member of a panel of chairmen established by regulations under Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996 or appointed under Article 82(1)(c) of the Fair Employment and Treatment (Northern Ireland) Order 1998;”.

#### *The Sex Discrimination (Northern Ireland) Order 1976 (NI 15)*

In Article 49 after paragraph (3) add—

“(4) Any act which by virtue of this Article or Article 48 could not be unlawful under any provision of Parts III to V (or, in the case of an act falling within paragraph (3), under Article 15) is not by virtue of Article 3(2)(b) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (indirect discrimination on the grounds of religious belief or political opinion) unlawful under any provision of Parts III to V of that Order.”.

In Article 53A for paragraphs (a) and (b) substitute “Articles 52, 52A and 53ZA”.

In Article 63 after paragraph (2) add—

“(3) Where a complaint is presented to an industrial tribunal under paragraph (1) and it appears to the tribunal that the act to which the complaint relates is one in respect of which (as being unlawful discrimination within the meaning of the Fair Employment and Treatment (Northern Ireland) Order 1998)—

- (a) a complaint could be made to the Fair Employment Tribunal for Northern Ireland under Part VI of that Order; or
- (b) such a complaint has been made, but the proceedings under that Order have not been disposed of,

the tribunal shall not proceed further under this Order in relation to the complaint unless all proceedings which can be taken under the Fair Employment and Treatment (Northern Ireland) Order 1998 in respect of the act have been disposed of.”.

*The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (NI 6)*

In Article 20—

- (a) in paragraph (1) for “section 41 of the Fair Employment (Northern Ireland) Act 1989” substitute “Article 64 of the Fair Employment and Treatment (Northern Ireland) Order 1998”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (a) for “section 41 of that Act of 1989” substitute “Article 64 of that Order of 1998”; and
  - (ii) for “section 41”, where it twice occurs, substitute “Article 64”;
- (c) in paragraph (4) for “section 41 of that Act of 1989” substitute “Article 64 of that Order of 1998”; and
- (d) in paragraph (5) for “sections 38 and 39 of the Fair Employment (Northern Ireland) Act 1989” substitute “Articles 62 and 63 of the Fair Employment and Treatment (Northern Ireland) Order 1998”.

*The Judicial Pensions and Retirement Act 1993 (c. 8)*

In Part II of Schedule 1, in the entry relating to the office of President or Vice-President of the Industrial Tribunals and the Fair Employment Tribunal, for “section 3 of the Fair Employment (Northern Ireland) Act 1989” substitute “Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998”.

In the following provisions, namely—

- (a) in Part II of Schedule 1, in the entry relating to the office of chairman of industrial tribunals or of the Fair Employment Tribunal;
- (b) in Schedule 5, in the entry relating to the chairman of the Fair Employment Tribunal; and
- (c) in Schedule 7, in paragraph 5(2)(h) and (5)(viii),

for “section 3(1)(c) of the Fair Employment (Northern Ireland) Act 1989” substitute “Article 82(1)(c) of the Fair Employment and Treatment (Northern Ireland) Order 1998”.

*The Education and Libraries (Northern Ireland) Order 1993 (NI 12)*

In Article 21—

- (a) in paragraphs (1) and (2)(a) for “section 41 of the Act of 1989” substitute “Article 64 of the Fair Employment and Treatment (Northern Ireland) Order 1998”; and
- (b) in paragraph (2) for “that section”, where it twice occurs, substitute “that Article”.

*The Ombudsman (Northern Ireland) Order 1996 (NI 8)*

In Schedule 3 in the entry relating to the Fair Employment Tribunal for Northern Ireland, for “section 2 of the Fair Employment (Northern Ireland) Act 1989” substitute “Article 81 of the Fair Employment and Treatment (Northern Ireland) Order 1998”.

*The Employment Rights (Northern Ireland) Order 1996 (NI 16)*

In Article 151(6)(b)—

- (a) for “Fair Employment (Northern Ireland) Act 1976” substitute “Fair Employment and Treatment (Northern Ireland) Order 1998”; and
- (b) for “that Act” substitute “that Order”.

In Article 160(2)—

- (a) for “Fair Employment (Northern Ireland) Act 1976” substitute “Fair Employment and Treatment (Northern Ireland) Order 1998”; and
- (b) for “that Act” substitute “the Fair Employment and Treatment (Northern Ireland) Order 1998”.

*The Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)*

In Article 6(7) for “section 3(6) of the Fair Employment (Northern Ireland) Act 1989” substitute “Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998”.

In Article 11(5)—

- (a) for “Fair Employment (Northern Ireland) Act 1976” substitute “Fair Employment and Treatment (Northern Ireland) Order 1998”;
- (b) in sub-paragraph (a) for “Part III of that Act” substitute “Part VI of the Fair Employment and Treatment (Northern Ireland) Order 1998”; and
- (c) for “under that Act”, where it twice occurs, substitute “under the Fair Employment and Treatment (Northern Ireland) Order 1998”.

*The Race Relations (Northern Ireland) Order 1997 (NI 6)*

In Article 5(5) for “section 57(2) and (3) of the Fair Employment (Northern Ireland) Act 1976” substitute “Article 2(2) and (3) of the Fair Employment and Treatment (Northern Ireland) Order 1998”.

In Article 52(3)—

- (a) for “Fair Employment (Northern Ireland) Act 1976” substitute “Fair Employment and Treatment (Northern Ireland) Order 1998”;
- (b) in sub-paragraph (a) for “Part III of that Act” substitute “Part VI of that Order”; and
- (c) for “under that Act”, where it twice occurs, substitute “under the Fair Employment and Treatment (Northern Ireland) Order 1998”.

*The Northern Ireland Act*

In section 24(2)—

- (a) for “Fair Employment (Northern Ireland) Act 1976” substitute “Fair Employment and Treatment (Northern Ireland) Order 1998”; and
- (b) for “Part V of that Act” substitute “Part VIII of that Order”.

In section 76(4)—

- (a) for “Fair Employment (Northern Ireland) Act 1976” substitute “Fair Employment and Treatment (Northern Ireland) Order 1998”; and
- (b) for “Part V of that Act” substitute “Part VIII of that Order”.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK  
Statutory Instrument: The Fair Employment and Treatment (Northern Ireland) Order 1998 No. 3162

In section 98(1), in the definition of “political opinion” and “religious belief” for “section 57(2) and (3) of the Fair Employment (Northern Ireland) Act 1976” substitute “Article 2(3) and (4) of the Fair Employment and Treatment (Northern Ireland) Order 1998”.