
DRAFT STATUTORY INSTRUMENTS

2000 No.

Equality (Disability, etc.) (Northern Ireland) Order 2000

PART III

MISCELLANEOUS

Additional Commissioners of the Equality Commission

18.—(1) In Schedule 8 to the Northern Ireland Act 1998 (the Equality Commission) after paragraph 3 there shall be inserted—

“Additional Commissioners

3A.—(1) Paragraph 2(1) and (2) shall apply to additional Commissioners as they apply to Commissioners.

(2) The Commission may pay, or make such payments towards the provision of, such remuneration, allowances (including allowances for expenses), pensions or gratuities to or in respect of an additional Commissioner as the Office of the First Minister and deputy First Minister, with the consent of the Department of Finance and Personnel, may determine.

(3) The Commission may not alter the terms of appointment of an additional Commissioner except with his consent and the approval of the Office of the First Minister and deputy First Minister.

(4) An additional Commissioner may resign by notice in writing to the Commission.

(5) The Commission may, with the approval of the Office of the First Minister and deputy First Minister, terminate the appointment of an additional Commissioner if satisfied—

- (a) that without reasonable excuse he has failed to discharge his functions for a continuous period of three months beginning not earlier than six months before the termination;
- (b) that he has been convicted of a criminal offence;
- (c) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
- (d) that he is unable or unfit to carry out his functions.

(6) The appointment of an additional Commissioner shall terminate at the conclusion of the investigation for which he was appointed, if not sooner.

(7) In this paragraph “additional Commissioner” means an additional Commissioner appointed under—

- (a) Article 57(2) of the Sex Discrimination (Northern Ireland) Order 1976;
- (b) Article 46(2) of the Race Relations (Northern Ireland) Order 1997; or
- (c) Article 5(4) of the Equality (Disability, etc.) (Northern Ireland) Order 2000.”.

(2) In that Schedule in paragraph 8 after sub-paragraph (1) (procedure) there shall be inserted—

“(1A) Nothing in sub-paragraph (1) prejudices the power of the Commission to appoint additional Commissioners under any provision mentioned in paragraph 3A(7).”.

(3) In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) there shall be inserted at the appropriate place in alphabetical order—

“Additional Commissioner of the Equality Commission for Northern Ireland.”.

Annual report of Equality Commission

19.—(1) Paragraph 5 of Schedule 8 to the Northern Ireland Act 1998 (annual report of Equality Commission) shall be amended as follows.

(2) In sub-paragraph (1) for the words “each year” there shall be substituted the words “each financial year”.

(3) At the end there shall be added—

“(5) Sub-paragraph (5) of paragraph 7 applies for the purposes of this paragraph as it applies for the purposes of that paragraph.”.

Continuation of saving for cases falling within section 50(2) of the Fair Employment (Northern Ireland) Act 1989

20. The Fair Employment and Treatment (Northern Ireland) Order 1998 shall have effect, and be deemed always to have had effect, with the insertion at the end of Schedule 4 (Transitional provisions and savings) of the following—

“Section 50(2) of the Fair Employment (Northern Ireland) Act 1989

8. The repeals effected by this Order do not affect the operation of—

(a) subsection (2) of section 50 of the Fair Employment (Northern Ireland) Act 1989;
or

(b) any provision of the Fair Employment (Northern Ireland) Act 1976 mentioned in that subsection,

in relation to a complaint or act mentioned in that subsection.”.