



# Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999)

## 1976 CHAPTER 25

### PART VI

#### MISCELLANEOUS

##### *Restriction on proceedings*

43 <sup>F1</sup> .....

**Textual Amendments**

F1 S. 43 repealed by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(2), [Sch. 3](#)

##### *Supplementary provisions as to the county court*

44–46 <sup>F2</sup> .....

**Textual Amendments**

F2 [Ss. 44–46](#) repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928](#), [art. 2\(4\)](#) ) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), ss. 59(2), 60(2), [Sch. 3](#)

47 <sup>F3</sup> .....

Status: Point in time view as at 16/07/1996.

Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)

**Textual Amendments**

**F3** S. 47 repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), Sch. 3 (but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, art. 2(4) )

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<sup>F4</sup> .....

**Textual Amendments**

**F4** S. 48 repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, art. 2(4) ) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(2), 60(2), Sch. 3

*Construction of references to employment or occupation in Northern Ireland*

**49 Meaning of “employment in Northern Ireland” and “occupation in Northern Ireland”.**

- (1) For the purposes of [<sup>F5</sup>the Fair Employment (Northern Ireland) Act 1989], employment is to be regarded as being employment in Northern Ireland unless the employee does his work wholly or mainly outside Northern Ireland.
- (2) Subsection (1) does not apply to—
  - (a) employment on board a ship registered at a port of registry in Northern Ireland, or
  - (b) employment on an aircraft or hovercraft operated by a person who has his principal place of business, or is ordinarily resident, in Northern Ireland; but for the purposes of [<sup>F5</sup>the Fair Employment (Northern Ireland) Act 1989] such employment is to be regarded as being employment in Northern Ireland unless the employee does his work wholly outside Northern Ireland.
- (3) In relation to employment concerned with [<sup>F6</sup>the exploration of the sea bed or subsoil or the exploitation of their natural resources][<sup>F6</sup>any activity falling within section 23(2) of the Oil and Gas (Enterprise) Act 1982], the Department may by order provide that subsections (1) and (2) shall each have effect as if the last reference to Northern Ireland included any area for the time being designated under section 1(7) of the <sup>M1</sup>Continental Shelf Act 1964 [<sup>F7</sup>or specified under section 22(5) of the Oil and Gas (Enterprise) Act 1982], or any part of such an area, in which the law of Northern Ireland applies.
- (4) An order under subsection (3) may provide that, in relation to employment to which the order applies or any class of such employment, [<sup>F8</sup>the Fair Employment (Northern Ireland) Acts are] is to have effect with such modifications as are specified in the order.
- (5) The power to make an order under subsection (3) includes power to vary or revoke the order.
- (6) The Department shall not make an order under subsection (3) unless a draft of the order has been laid before, and has been approved by, the Northern Ireland Assembly.

*Status: Point in time view as at 16/07/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

(7) ..... F9

(8) In this section references to the work an employee does include, in relation to a person who is seeking employment or a person who has ceased to be in employment, references to, respectively, the work he would do if employed or the work he did when employed.

(9) This section has effect for construing references in [F10 the Fair Employment (Northern Ireland) Acts] to a person's being engaged, or seeking to become engaged, in an occupation in Northern Ireland as if references in this section to employment were references to an occupation and references to an employee were to a person engaged, or seeking to become engaged, in an occupation.

[F11(10) In the application of subsections (1) to (6) for the purposes of Part II of the Fair Employment (Northern Ireland) Act 1989, references to employment are references to employment within the meaning of that Part.]

#### Textual Amendments

- F5 Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 13(2)
- F6 In s. 49(3) Words “any activity falling within section 23(2) of the Oil and Gas (Enterprise) Act 1982” substituted (*prosp.*) for words from “the exploration” to “natural resources” by Oil and Gas (Enterprise) Act 1982 (c. 23, SIF 86), s. 38(2), Sch. 3 para. 35(a)
- F7 Words inserted (*prosp.*) by Oil and Gas (Enterprise) Act 1982 (c. 23, SIF 86), s. 38(2), Sch. 3 para. 35(b)
- F8 Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 13(3)
- F9 S. 49(7) repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1)(2), Sch. 2 para. 13(4), Sch. 3
- F10 Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 13(5)
- F11 S. 49(10) inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 13(6)

#### Marginal Citations

- M1 1964 c. 29.

### *Application to the Crown, police and public bodies*

#### 50 Application of Act to the Crown.

- (1) Subject to sections 51 to 54, this Act [F12 and Part I of the Fair Employment (Northern Ireland) Act 1989] applies—
- to an act done by or for purposes of a Minister of the Crown or a government department, or
  - to an act done on behalf of the Crown by a statutory body or a person holding a statutory office, or
  - to an act done by a member of Her Majesty's forces acting as such, as it applies to an act done by a private person.

*Status: Point in time view as at 16/07/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

- (2) For the purposes of subsection (1), in this Act <sup>F12</sup>and Part I of the Fair Employment (Northern Ireland) Act 1989]—
- (a) references to employment include references to—
- (i) service for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, and
  - (ii) service on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body, and
  - (iii) service as a member of Her Majesty’s forces;
- (b) references to a contract of employment include references to the terms of such service;
- (c) references to an employee include references to a person who is seeking to become engaged in such service, who is in such service or who has ceased to be in such service; and
- (d) references to an employer, in relation to an employee, include references to (as the case requires) the authority with power to appoint him, to fix his terms of service, to afford him any benefit, to dismiss him or to subject him to any detriment.
- (3) Subsection (2) of section 49 (or that subsection as it has effect by virtue of an order under subsection (3) of that section) shall have effect in relation to any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the Government of Northern Ireland as it has effect in relation to a ship, aircraft or hovercraft mentioned in paragraph (a) or (b) of that subsection; and that subsection shall not have effect in relation to any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the Government of the United Kingdom.
- (4) In this section and sections 51, 52 and 54 references to the Crown include it both in right of the Government of the United Kingdom and in right of the Government of Northern Ireland; and—
- (a) in this section and section 54 references to Her Majesty’s forces are references to—
- (i) the naval, military or air forces of the Crown, . . . <sup>F13</sup>
  - (ii) . . . . . <sup>F13</sup>
- but do not include references to any cadet training corps for the time being administered by the Ministry of Defence; and
- (b) in this section service “for purposes of” a Minister of the Crown or government department does not include service in any office in Schedule 2 (Ministerial offices) to the <sup>M2</sup>House of Commons Disqualification Act 1975 as for the time being in force.

#### Textual Amendments

**F12** Words inserted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(1), [Sch. 2 para. 14](#)

**F13** [S. 50\(4\)\(a\)\(ii\)](#) and the word “and” immediately preceding it repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), [Sch. 5](#)

#### Marginal Citations

**M2** 1975 c. 24.

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*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

## 51 Proceedings against Crown for unlawful discrimination.

The provisions of Parts II to IV of the <sup>M3</sup>Crown Proceedings Act 1947 shall apply to proceedings against the Crown under [<sup>F14</sup>section 24] as they apply to proceedings in Northern Ireland which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown, except that in their application to proceedings under [<sup>F14</sup>section 24]—

- (a) . . . . .<sup>F15</sup>
- (b) section 28 of that Act (discovery) shall have effect subject to section 52(2) of this Act.

### Textual Amendments

- F14** Words “section 24” substituted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) for the words “section 30” by [Fair Employment \(Northern Ireland\) Act 1989 \(c.32, SIF 43:1\), ss. 59\(1\), 60\(2\), Sch. 2 para. 15\(a\)](#)
- F15** s. 51 paragraph (a) and the word “and” immediately following it repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), ss. 59\(1\)\(2\), 60\(2\), Sch. 2 para. 15\(b\), Sch. 3](#)

### Marginal Citations

- M3** 1947 c. 44.

## 52 Disclosure of information by Crown for purposes of investigation or proceedings.

- (1) Subject to subsection (2), any obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the service of the Crown, whether imposed by any enactment or by any rule of law, shall not apply to the disclosure of information for the purposes of any investigation, appeal or proceedings under [<sup>F16</sup>the Fair Employment (Northern Ireland) Acts]; and the Crown shall not be entitled in relation to any such investigation, appeal or proceedings to any such privilege in respect of the production of documents or the giving of evidence as is allowed to the Crown alone by law in legal proceedings.
- (2) A Minister of the Crown or the head of a Northern Ireland department may by a certificate in writing, with respect to any document or information specified in the certificate, or documents or information of any class so specified, certify that in his opinion the disclosure of that document or information or of documents or information of that class would be prejudicial to the safety of the United Kingdom or any part of it or otherwise contrary to the public interest; and where such a certificate is given nothing in [<sup>F16</sup>the Fair Employment (Northern Ireland) Acts] shall be construed as authorising or requiring the communication to any person or for any purpose of any document or information specified in the certificate, or any document or information of a class so specified.
- (3) A document purporting to be a certificate such as is mentioned in subsection (2) shall be received in evidence and, unless the contrary is proved, shall be deemed to be such a certificate.

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*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

- (4) Where, in consequence of the enactment of subsection (1), any information is disclosed to persons not in the service of the Crown, those persons shall, without prejudice to subsections (1) and (2) and subject to subsection (5), be subject to the same restrictions upon the disclosure of the information as if they were in that service, and, in particular, the <sup>M4</sup>Official Secrets Act 1911 shall have effect in relation to them as if they were persons holding office under Her Majesty.
- (5) Where a person to whom subsection (4) applies is a member officer or servant of [<sup>F17</sup>the Commission or the Tribunal], that subsection shall not preclude his disclosing the information in question to any other person so far as such disclosure is necessary—
- [<sup>F18</sup>(a) for the purpose of communicating in accordance with the provisions of the Fair Employment (Northern Ireland) Acts the Tribunal's decision on an appeal and the reasons for it;]
- (b) for the purposes of any criminal proceedings or to comply with the order of a court.
- (6) Any reference in subsection (2) to a Minister of the Crown includes a reference to the Commissioners of Customs and Excise and the Commissioners of Inland Revenue.

#### Textual Amendments

- F16** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 16(2)**
- F17** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 16(3)(a)**
- F18** S. 52(5)(a) substituted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**) for s. 52(5)(a) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), 60(2), **Sch. 2 para. 16(3)(b)**

#### Marginal Citations

- M4** 1911 c. 28.

### 53 Application of Act to the police.

- (1) For the purposes of this Act [<sup>F19</sup>and Part I of the Fair Employment (Northern Ireland) Act 1989] the holding of the office of constable shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to a constable or that office;
- (b) by the police authority as respects any act done by them in relation to a constable or that office.
- (2) There shall be defrayed as expenses of the police authority—
- (a) any damages or costs awarded against a chief officer of police in any proceedings under this Act [<sup>F20</sup>or Part I of the Fair Employment (Northern Ireland) Act 1989], any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and any costs incurred by him in connection with any investigation under [<sup>F21</sup>that Part so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 1 to that Act]; and

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- (b) any sum required by a chief officer of police in connection with the settlement of any complaint made or action brought against him under this Act, if the settlement is approved by the police authority.
- (3) Any proceedings under this Act [<sup>F22</sup>or Part I of the Fair Employment (Northern Ireland) Act 1989] which, by virtue of subsection (1), would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of that office; and references in subsections (2) and (4) to the chief officer of police shall be construed accordingly.
- (4) The police authority may make arrangements for the legal representation of the chief officer of police in any . . . <sup>F23</sup>proceedings under this Act [<sup>F24</sup>or Part I of the Fair Employment (Northern Ireland) Act 1989].
- (5) This section applies to a police cadet and appointment as a police cadet as it applies to a constable and the office of constable.
- (6) In this section—
- “chief officer of police”—
- (a) in relation to a person appointed, or an appointment falling to be made, to the police force or as a police cadet in relation to that force, means the Chief Constable of the Royal Ulster Constabulary,
- (b) in relation to any other person or appointment means the officer who has the direction and control of the body of constables or cadets in question;
- “police authority”—
- (a) in relation to a person appointed, or an appointment falling to be made, to the police force or as a police cadet in relation to that force, means the Police Authority for Northern Ireland,
- (b) in relation to any other person or appointment, means the authority by whom the person in question is, or on appointment would be, paid;
- “police cadet” means any person appointed to undergo training with a view to becoming a constable;
- “police force” has the same meaning as in the <sup>M5</sup>Police Act (Northern Ireland) 1970.

#### Textual Amendments

- F19** Words inserted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), ss. 59(1), 60(2), [Sch. 2 para. 17\(2\)](#)
- F20** Words inserted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), ss. 59(1), 60(2), [Sch. 2 para. 17\(3\)\(a\)](#)
- F21** Words substituted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), ss. 59(1), 60(2), [Sch. 2 para. 17\(3\)\(b\)](#)
- F22** Words inserted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), ss. 59(1), 60(2), [Sch. 2 para. 17\(4\)](#)
- F23** Words repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#) ) by [Fair](#)

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Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1)(2), 60(2), Sch. 2 para. 17(5)(a), Sch. 3

**F24** Words inserted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, art. 2(4) ) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), 60(2), Sch. 2 para. 17(5)(b)

#### **Marginal Citations**

**M5** 1970 c. 9 (N.I.)

## **54 Procedure following investigation under s. 12 of Minister, government department, certain statutory bodies or statutory officers and police.**

(1) This section applies where, following an investigation under [<sup>F25</sup>section 11 of the Fair Employment (Northern Ireland) Act 1989, 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, [<sup>F26</sup>sections 12(3), 14, 15 and 16 of that Act] shall not have effect in relation to any such authority.

(2) Where the Agency asks for an undertaking such as is mentioned in [<sup>F27</sup>section 12(2) (b) of the Fair Employment (Northern Ireland) Act 1989], but—

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

the Agency shall, subject to subsection (4), 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 Agency 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 head of the department, or
- (iii) where the investigation related to any other authority, to the Minister of the Crown or the head of the Northern Ireland department 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 the head of a Northern Ireland department he shall lay it before the Northern Ireland Assembly.

(4) [<sup>F28</sup>If a report is required by subsections (2) and (3) to be sent to the head of a Northern Ireland department and laid before the Northern Ireland Assembly at a time when no such head stands appointed, the report] shall, instead, be sent to the Secretary of State and laid by him before Parliament.



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*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

- (5) A person who is not in the service of the Crown shall not be regarded as within subsection (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.

#### Textual Amendments

- F25** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 18(2)(a)
- F26** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 18(2)(b)
- F27** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 18(3)
- F28** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 18(4)

### General

#### 55 Service of documents.

- (1) Any notice or other document which is required or permitted by <sup>[F29]</sup>the Fair Employment (Northern Ireland) Acts] to be served on a person may—
- (a) if that person is an individual, be served on him—
    - (i) by delivering it to him, or
    - (ii) by sending it to him by post, addressed to him at his usual or last-known place of residence or business, or
    - (iii) by leaving it for him at that place; or
  - (b) if that person is a body corporate or unincorporate, be served on the body—
    - (i) by sending it by post to the proper officer of the body at its registered or principal office, or at its principal office in Northern Ireland, or
    - (ii) by addressing it to the proper officer of the body and leaving it at any such office.
- (2) Subsection (1) does not prejudice any other lawful method of service.

#### Textual Amendments

- F29** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 19

#### 56 Orders and reports.

- (1) Any power of the Secretary of State to make an order under section 39(1) or section 59(5) shall be exercisable by statutory instrument.
- <sup>[F30]</sup>(2) The power of the Department to make <sup>[F31]</sup>regulations under section 28 or an order under section <sup>F32</sup>...<sup>[F33]</sup>26(6A) or] 49(3) shall be exercisable by statutory rule for the purposes of the <sup>M6</sup>Statutory Rules (Northern Ireland) Order 1979.]
- (3) For the purpose of laying before the Northern Ireland Assembly—

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*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

- (a) a draft of an order under section 49(3); or
- (b) a report under section 54(2); or
- (c) the [<sup>F34</sup>Commission]’s annual report,
- section 41(3) of the <sup>M7</sup>Interpretation Act (Northern Ireland) 1954 (laying of statutory documents) shall have effect as if the draft order and the reports were statutory documents within the meaning of that Act.

#### Textual Amendments

- F30** S. 56(2) substituted by S.I. 1979/1573 (N.I. 12), **Sch. 4 para. 18**
- F31** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 20(a)**
- F32** Words in s. 56(2) repealed (16.5.1995) by S.I. 1995/758 (N.I. 4), **art. 3(2)(c)**
- F33** Words in s. 56(2) inserted (16.5.1995) by S.I. 1995/758 (N.I. 4), **art. 4(3)**
- F34** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 20(b)**

#### Marginal Citations

- M6** S.I. 1979/1573 (N.I. 12)
- M7** 1954 c. 33 (N.I.)

## 57 General interpretation.

(1) In this Act, unless the context otherwise requires,—

“access” shall be construed in accordance with subsection (7);

“act” includes a deliberate omission, and any reference to an act, action or other thing done shall be construed accordingly;

“advertisement” includes every form of advertisement, whether to the public or not, and whether in a newspaper or other publication, by television or radio, by display or circulation of notices or circulars, by exhibition of pictures, models or films or in any other way, and references to the publishing of advertisements shall be construed accordingly;

[<sup>F35</sup>“affirmative action” has the meaning given by section 58 of the Fair Employment (Northern Ireland) Act 1989;]

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“benefits” includes all opportunities, services and facilities, and, in particular, includes opportunities for training, transfer or promotion, for betterment of any kind (including more attractive times or conditions of work) or for any financial advantage (including bonuses, advances of money and preferential terms for acquiring property of any kind);

[<sup>F37</sup>“the Commission” means the Fair Employment Commission for Northern Ireland;]

.....  
F38

“complainant” means a person making a complaint that unlawful discrimination has been committed against him . . . <sup>F39</sup>

“complaint” means a complaint of unlawful discrimination made to the [<sup>F40</sup>Tribunal] under section 24;

“confer”, in relation to a qualification, includes renew and extend;

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“contract” includes any contract, whether in writing or oral, express or implied;

“contravention”, in relation to any provision, includes a failure to comply with that provision;

“costs” includes expenses;

..... F41  
..... F42

“the Department” means the Department of Manpower Services for Northern Ireland;

“the Department of Finance” means the Department of Finance for Northern Ireland;

“discrimination” and “discriminate” shall be construed in accordance with section 16(1) to (4);

“employer” means—

- (a) in relation to a person who is seeking employment, anybody who has employment available;
- (b) in relation to a person employed under a contract of service or of apprenticeship or a contract personally to execute any work or labour, the person entitled to the benefit of that contract;
- (c) in relation to a person who has ceased to be in employment, his former employer;

and “employee”, correspondingly, means such a person as is first mentioned in paragraph (a), (b) or (c) of this definition;

“employment” means employment under a contract of service or apprenticeship or a contract personally to execute any work or labour, and, without prejudice to the definitions of “employer” and “employee” above, related expressions shall be construed accordingly;

“employment agency” means a person who, for profit or not, provides services for the purpose of finding employment for workers or supplying employers with workers;

“employment in Northern Ireland” shall be construed in accordance with section 49;

“enactment” includes an enactment contained in an Act of the Parliament of Northern Ireland or an Order in Council made under the<sup>M8</sup>Northern Ireland (Temporary Provisions) Act 1972, or in a Measure of the Northern Ireland Assembly;

“equality of opportunity” shall be construed in accordance with [F43section 20 of the Fair Employment (Northern Ireland) Act 1989];

“financial year” means a year ending on 31st March;

..... F44

“government department” includes a Northern Ireland department;

“the High Court” means the High Court of Justice in Northern Ireland;

..... F44

..... F45

“member”, in relation to a vocational organisation, includes (except in section 21) a person seeking to become a member and a person who has ceased to be a member, and in relation to such an organisation (other than an organisation of workers or employers) also includes any person belonging to a

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class of person recognised by the organisation as having any particular status in connection with an employment or occupation for the purposes of which the organisation exists, including students and associates, and “membership” shall be construed accordingly.

“Northern Ireland” includes such of the territorial waters of the United Kingdom as are adjacent to Northern Ireland;

“notice” means a notice in writing;

“occupation” includes any trade, business, profession or vocation, but not any employment;

“occupation in Northern Ireland” shall be construed in accordance with section 49;

“organisation” includes any society or association whether corporate or unincorporate;

F45

“practices” includes procedures and arrangements;

“proper officer”, in relation to any body corporate or unincorporate, means the secretary or other executive officer charged with the conduct of the general affairs of the body;

“qualification” includes authorisation, recognition, registration, enrolment, approval and certification;

F45

“the respondent”, in relation to a complaint, has the meaning given by section 24(1);

F45

“school” has the same meaning as in the <sup>M9</sup>Education and Libraries (Northern Ireland) Order [<sup>F46</sup>1986];

“the Standing Advisory Commission on Human Rights” means the commission constituted by that name under section 20 of the <sup>M10</sup>Northern Ireland Constitution Act 1973;

“statutory body” means a body set up by or in pursuance of an enactment, and “statutory office” means an office so set up;

“training” includes any form of education or instruction, except that in [<sup>F47</sup>section 22 of this Act and sections 11(1)(e) and 20(4)(b)(ii) of the Fair Employment (Northern Ireland) Act 1989] it does not include [<sup>F48</sup>education provided by]—

- (a) a school, or
- (b) an institution of further education within the meaning of the Education and Libraries (Northern Ireland) Order [<sup>F49</sup>1986] or an institution in respect of which contributions are paid by an Education and Library Board under [<sup>F50</sup>Article 100(8) of the Education Reform (Northern Ireland) Order 1989], or
- (c) [<sup>F51</sup>a college of education within the meaning of that Order;]
- (d) ..... <sup>F52</sup>
- (e) a university;

[<sup>F53</sup>“the Tribunal” means the Fair Employment Tribunal for Northern Ireland;]

“unlawful discrimination” shall be construed in accordance with section 16(5);

“vocational organisation” means—

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- (a) an organisation of workers, or
  - (b) an organisation of employers, or
  - (c) any other organisation of persons engaged in a particular employment or occupation, or employments or occupations of any class, for the purposes of which the organisation exists.
- (2) In this Act references to a person's religious belief or political opinion include references to his supposed religious belief or political opinion and to the absence or supposed absence of any, or any particular, religious belief or political opinion.
- (3) In this Act any reference to a person's political opinion does not include an opinion which consists of or includes approval or acceptance of the use of violence for political ends connected with Northern Irish affairs (including the use of violence for the purpose of putting the public or any section of the public in fear).
- (4) ..... F54
- (5) For the purposes of this Act a person is seeking employment if he is available for employment, whether or not he is aware of the existence of an opportunity for any particular employment.
- (6) References in this Act to submitting a person for consideration for employment include references to making available to an employer in any way relevant particulars relating to him.
- (7) References in this Act to the affording by any person of access to benefits are not limited to benefits provided by him alone, but include any means by which it is in his power to facilitate access to benefits provided by others.
- (8) Without prejudice to any provision of section 49 or any order under subsection (3) of that section and subject to any other provision of this Act which is limited by its express terms to acts done in Northern Ireland, references (however expressed) in this Act to acts done or to power to do any acts, other than references to acts which may be the subject of criminal proceedings under this Act, include references to acts done or power to do the acts outside Northern Ireland; and references to a contract include references to a contract the proper law of which is not the law of Northern Ireland.
- (9) ..... F54
- (11) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (12) In this Act, except where otherwise indicated,—
- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered, and
  - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
  - (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered, and
  - (d) a reference in a paragraph of a section, subsection or Schedule to a numbered sub-paragraph is a reference to the sub-paragraph of that paragraph so numbered.

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### Textual Amendments

- F35** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(a)**
- F36** Definitions repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F37** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(b)**
- F38** Definition repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F39** Words repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)** ) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**
- F40** Word “Tribunal” substituted for word “Agency” by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), 60(2), **Sch. 2 para. 21(c)** (coming into force 1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)** )
- F41** Definition repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)** ) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**
- F42** Definition repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F43** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(d)**
- F44** Definitions repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)** ) by Fair Employment (Northern Ireland) Act 1989 (c.32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**
- F45** Definitions repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F46** Words substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F47** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), **Sch. 2 para. 21(e)(i)**
- F48** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), **Sch. 2 para. 21(e)(ii)**
- F49** Words substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F50** Words substituted by virtue of S.I. 1986/594 (N.I. 3), **art. 132(2)**. Sch. 18 and S.I. 1989/2406 (N.I. 20), art. 166, **Sch. 9**
- F51** Paragraph (c) substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F52** Sub-para. (d) repealed by S.I. 1984/1167 (N.I. 10), art. 6(3), **Sch. 2**
- F53** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(f)**
- F54** S. 57(4)(9)(10) repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**

### Modifications etc. (not altering text)

- C1** S. 57 applied (4.8.1997) by S.I. 1997/869 (N.I. 6), **art. 5(5)**; S.R. 1997/273, **art. 2(4)**

### Marginal Citations

- M8** 1972 c. 22.  
**M9** S.I. 1986/1263 (N.I. 12)  
**M10** 1973 c. 36.

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## 58 Amendments and extension of enactments, and repeal.

- (1) The enactments mentioned in Schedule 6 shall have effect subject to the respective amendments there specified (being amendments consequential on the provisions of this Act).
- (2) The following enactments, namely,—
  - (a) section 5(2)(a) of the <sup>M11</sup>Parliamentary Commissioner Act 1967;
  - <sup>F55</sup>(b) .....
  - <sup>F56</sup>(c) .....shall have effect in relation to the right of a person to make a complaint of unlawful discrimination under this Act as if it were such a right of appeal, reference or review as is mentioned in those enactments.
- (3) Section 20(1)(b) of the Northern Ireland Constitution Act 1973 is hereby repealed.

### Textual Amendments

**F55** S. 58(2)(b) repealed (16.7.1996) by S.I. 1996/1298 (N.I. 8), art. 21(2), **Sch. 6**

**F56** S. 58(2)(c) repealed (16.7.1996) by S.I. 1996/1297 (N.I. 7), art. 23(2), **Sch. 5**

### Modifications etc. (not altering text)

**C2** The text of s. 51(1)(3), Schedule 6 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and, except as specified, does not reflect any amendments or repeals that may have been made prior to 1.2.1991.

### Marginal Citations

**M11** 1967 c. 13

## 59 Short title, extent and commencement.

- (1) This Act may be cited as the Fair Employment (Northern Ireland) Act 1976.
- (2) Subject to subsections (3) and (4) and without prejudice to section 57(8) . . . <sup>F57</sup>, this Act extends to Northern Ireland only.
- (3) The amendments, extension and repeal of enactments which are made by section 58(1), (2)(a) and (3) and Schedule 6 have the same extent as the enactments that are so amended, extended or repealed.
- (4) Sections 47 and 52 and so much of section 57 as applies for the interpretation of those sections extend to the whole of the United Kingdom.
- (5) This Act shall come into operation on such day as the Secretary of State may by order appoint.
- (6) .....

<sup>F58</sup>

### Textual Amendments

**F57** Words repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, art. 2(4) ) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**

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*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI. (See end of Document for details)*

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**F58** S. 59(6) repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**

**Modifications etc. (not altering text)**

**C3** Powers of appointment conferred by s. 59(5)(6) fully exercised: 1.9.1976 appointed by [S.I. 1976/1182](#)



**Status:**

Point in time view as at 16/07/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI.