

---

STATUTORY INSTRUMENTS

---

**1998 No. 3162**

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

**PART VII**

**DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES**

*Employers in default and connected persons: restrictions  
on dealing with them or giving them financial assistance*

**Notice stating that connected and other persons are not qualified**

**63.**—(1) Where notice has been served on any employer under Article 62(2) and has not been cancelled, the Commission may serve notice on any of the following persons—

- (a) any body corporate controlled by him and, if he is a body corporate, any associated body corporate; and
- (b) any person connected with him,

stating that the person on whom the notice is served is not qualified for the purposes of Articles 64 to 66.

(2) No notice shall be served on any person under paragraph (1) if it appears to the Commission—

- (a) that it is unlikely that he will execute any work or supply any goods or services for the purposes of any contract—
  - (i) made by a public authority accepting any offer made in response to an invitation by the public authority to submit offers; or
  - (ii) falling within a class or description for the time being specified for the purposes of Article 64(3) to which a public authority is a party; or
- (b) that, if he executes any work or supplies any goods or services for the purposes of any such contract, it is unlikely that the employer on whom the notice was served under Article 62(2) will benefit, directly or indirectly.

(3) Where notice has been served on any person under paragraph (1), the Commission shall serve notice on him cancelling the notice—

- (a) if the notice served on the employer under Article 62(2) is cancelled; or
- (b) if it appears to the Commission, whether on an application under paragraph (4) or otherwise, that (apart from Article 64(1)) paragraph (2)(a) or (b) is satisfied in his case.

(4) An application under this paragraph may be made by the person on whom the notice under paragraph (1) was served, but if he has previously made an application under this paragraph may not be made before the expiry of the period of 6 months beginning with the latest date on which he so applied.

(5) Where the Commission refuses to grant an application under paragraph (4), it shall serve notice of that fact on the applicant and the applicant may, within 21 days from the date of the notice, appeal to the Tribunal against the refusal.

(6) If, on the appeal, it appears to the Tribunal that (apart from Article 64(1)) paragraph (2)(a) or (b) is satisfied in the appellant's case, the Commission shall serve notice on him cancelling the notice under paragraph (1).