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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

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

**PART X**

**APPLICATION TO THE CROWN, THE POLICE AND PUBLIC AUTHORITIES**

**Disclosure of information by Crown for purposes of investigation or proceedings**

**93.**—(1) Subject to paragraph (3), 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 statutory provision or by any rule of law, shall not apply to the disclosure of information for the purposes of any investigation, appeal or proceedings under this Order; 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 a Northern Ireland Minister 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.

(3) Where a certificate is given under paragraph (2) nothing in this Order 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.

(4) A document purporting to be a certificate such as is mentioned in paragraph (2) shall be received in evidence and, unless the contrary is proved, shall be deemed to be such a certificate.

(5) Where, in consequence of paragraph (1), any information is disclosed to persons not in the service of the Crown, those persons shall, without prejudice to paragraphs (1) and (3), be subject to the same restrictions on the disclosure of the information as if they were in that service and, in particular, the Official Secrets Act 1989 shall have effect in relation to them as if they were Crown servants within the meaning of that Act.

(6) Any reference in paragraph (2) to a Minister of the Crown includes a reference to the Commissioners of Customs and Excise and the Commissioners of Inland Revenue.