



Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999)

1976 CHAPTER 25

PART VI

MISCELLANEOUS

Supplementary provisions as to the county court

47 ^{F1}

Textual Amendments

F1 S. 47 repealed by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(2), [Sch. 3](#) (but not so as to apply for the purposes of any complaint or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\(4\)](#))

Application to the Crown, police and public bodies

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 [^{F2}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.

Status: Point in time view as at 01/02/1991.

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to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part VI.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) 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 [^{F2}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.
- (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 ^{M1}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 [^{F3}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—
- [^{F4}(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

- F2** Words substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(1), **Sch. 2 para. 16(2)**
- F3** Words substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(1), **Sch. 2 para. 16(3)(a)**
- F4** [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

- M1** 1911 c. 28.

Status: Point in time view as at 01/02/1991.

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)

General

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;

[^{F5}“affirmative action” has the meaning given by section 58 of the Fair Employment (Northern Ireland) Act 1989;]

.....^{F6}
.....^{F6}

“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);

[^{F7}“the Commission” means the Fair Employment Commission for Northern Ireland;]

.....^{F8}

“complainant” means a person making a complaint that unlawful discrimination has been committed against him . . .^{F9}

“complaint” means a complaint of unlawful discrimination made to the [^{F10}Tribunal] under section 24;

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

“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;^{F11}

.....^{F12}

“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;

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(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 ^{M2}Northern Ireland (Temporary Provisions) Act 1972, or in a Measure of the Northern Ireland Assembly;

“equality of opportunity” shall be construed in accordance with [^{F13}section 20 of the Fair Employment (Northern Ireland) Act 1989];

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

..... ^{F14}

“government department” includes a Northern Ireland department;

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

..... ^{F14}

..... ^{F15}

“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 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;

..... ^{F15}

“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;

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

F15

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

F15

“school” has the same meaning as in the ^{M3}Education and Libraries (Northern Ireland) Order [^{F16}1986];

“the Standing Advisory Commission on Human Rights” means the commission constituted by that name under section 20 of the ^{M4}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 [^{F17}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 [^{F18}education provided by]—

- (a) a school, or
- (b) an institution of further education within the meaning of the Education and Libraries (Northern Ireland) Order [^{F19}1986] or an institution in respect of which contributions are paid by an Education and Library Board under [^{F20}Article 100(8) of the Education Reform (Northern Ireland) Order 1989], or
- (c) [^{F21}a college of education within the meaning of that Order;]
- (d) ^{F22}
- (e) a university;

[^{F23}“the Tribunal” means the Fair Employment Tribunal for Northern Ireland;]

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

“vocational organisation” means—

- (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) ^{F24}

(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.

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- (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) F24
- (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 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
 - a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
 - 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
 - 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.

Textual Amendments

- F5** Definition inserted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(1), **Sch. 2 para. 21(a)**
- F6** Definitions repealed by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(2), **Sch. 3**
- F7** Definition inserted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(1), **Sch. 2 para. 21(b)**
- F8** Definition repealed by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\)](#), s. 59(2), **Sch. 3**
- F9** 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**
- F10** 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)**)
- F11** 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**

Status: Point in time view as at 01/02/1991.

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)

- F12** Definition repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F13** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(d)**
- F14** 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**
- F15** Definitions repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F16** Words substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F17** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), **Sch. 2 para. 21(e)(i)**
- F18** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), **Sch. 2 para. 21(e)(ii)**
- F19** Words substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F20** 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**
- F21** Paragraph (c) substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F22** Sub-para. (d) repealed by S.I. 1984/1167 (N.I. 10), art. 6(3), **Sch. 2**
- F23** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(f)**
- F24** 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

- M2** 1972 c. 22.
M3 S.I. 1986/1263 (N.I. 12)
M4 1973 c. 36.

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 ^{M5}Parliamentary Commissioner Act 1967;
 - (b) section 5(2)(a) of the ^{M6}Parliamentary Commissioner Act (Northern Ireland) 1969; and
 - (c) section 5(3)(a) of the ^{M7}Commissioner for Complaints Act (Northern Ireland) 1969.
- 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.

Status: Point in time view as at 01/02/1991.

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)

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.
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Marginal Citations

- M5** 1967 c. 13
M6 1969 c. 10 (N.I.)
M7 1969 c. 25 (N.I.)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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