



Fair Employment (Northern Ireland) Act 1989 (repealed 1.3.1999)

1989 CHAPTER 32

PART II

NEW DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

The register

22 The register of concerns in which people are employed.

- (1) The Commission shall keep, in such form as the Commission may determine, a register of trades, businesses and other activities (whether carried on for profit or not) in which people are employed.
- (2) References in this Part of this Act to a concern are to any such trade, business or other activity and include any activity in the service of the Crown, but only to the extent provided by section 26 of this Act.
- (3) The Commission shall, on an application under section 23 of this Act, enter in the register the description of the concern given in the application, the name and address of the employer so given and the date of entry in the register and serve on the applicant notice of the contents and date of the entry.
- (4) The Commission shall provide facilities for making the information contained in the entries in the register available for inspection (in visible and legible form) by members of the public during normal office hours free of charge and any person shall be entitled to obtain from the Commission a copy of the information contained in all or any of the entries in the register upon payment of such reasonable fee as the Commission may fix.

Status: Point in time view as at 01/02/1991.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to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1989 (repealed 1.3.1999), Cross Heading: The register. (See end of Document for details)

23 Employers to apply for registration.

- (1) Where, on or after the commencement of this section, a concern, other than a registered concern, satisfies the condition for registration at the end of any week, the employer shall apply under this section for the concern to be registered.
- (2) For the purposes of this Act a concern satisfies the condition for registration at the end of any week if in that week more than ten employees have been employed in Northern Ireland.
- (3) In relation to any employment in the period of two years beginning with the commencement of this section, subsection (2) above shall have effect for those purposes (except section 24(9) of this Act) as if for “ten” there were substituted “twenty-five”.
- (4) An application under this section shall—
 - (a) describe the concern in general terms,
 - (b) give the name and address of the employer, and
 - (c) give the number of employees employed in Northern Ireland.
- (5) If an employer fails to make an application under this section within the period of one month after the time, on or after the commencement of this section, when the concern first satisfies the condition for registration (in the case of a concern the entry for which has been removed from the register, first satisfies that condition since the removal), he is guilty of an offence.
- (6) A person guilty of an offence under subsection (5) above—
 - (a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
 - (b) if the failure continues after conviction, is liable on a second or subsequent summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.
- (7) It is a defence for a person charged with an offence under subsection (5) above to show that he had a reasonable excuse for failing to make an application under this section within that period and that he made such an application as soon as it was reasonably practicable for him to do so.
- (8) In determining for any of the purposes of this Act whether a concern satisfies the condition for registration, references to the employees of any person (referred to in this subsection as “the employer”) shall, if regulations made by the Department under this section so provide or in such circumstances as may be specified in the regulations, include a reference to the employees of—
 - (a) any body corporate controlled by the employer and, if the employer is a body corporate, any associated body corporate, and
 - (b) any person connected with the employer,and references to the employer’s concern shall be interpreted accordingly.
- (9) This section does not apply to any person who is a public authority for the purposes of sections 27 to 37 of this Act or to any person falling within section 25(3)(a) or (b) of this Act.

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24 Rectification of the register.

- (1) Where a person becomes an employer in relation to a concern that is already a registered concern, he shall, within the period of one month beginning with his becoming such an employer, apply to the Commission for his name and address to be entered in the register and the Commission shall include in the entry in the register the name and address given in the application.
- (2) If an employer who is required so to apply fails to do so within that period, he is guilty of an offence.
- (3) A person guilty of an offence under subsection (2) above—
 - (a) is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
 - (b) if the failure continues after conviction, is liable on a second or subsequent summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.
- (4) It is a defence for a person charged with an offence under subsection (2) above to show that he had a reasonable excuse for failing so to apply within that period and that he made such an application as soon as it was reasonably practicable for him to do so.
- (5) The Commission may, on an application by a registered employer, rectify the description in the register of the registered concern.
- (6) The Commission shall remove from the register any entry in respect of a person who becomes a public authority for the purposes of sections 27 to 37 of this Act.
- (7) The Commission—
 - (a) may remove from the register, in respect of any concern, the name of any person who appears to the Commission to have ceased to be an employer, and
 - (b) may remove from the register the entry for any registered concern which appears to the Commission to have ceased to exist.
- (8) The power conferred by subsection (7) above is exercisable by the Commission of its own motion or on the application of any person.
- (9) If a registered employer applies to the Commission to remove from the register the entry for the registered concern and the concern has been registered throughout the year ending on the date of the application, the Commission shall remove the entry if it is of the opinion that the concern did not, at the end of any of the weeks in the period of twenty-six weeks preceding the application, satisfy the condition for registration.
- (10) If the Commission exercises its powers under subsection (7) or (9) above, it shall serve notice of its action on any person whose name is removed from the register.
- (11) A person who knowingly makes a false statement in connection with an application under subsection (7) or (9) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) In this section, “registered employer”, in relation to a registered concern, means the person whose name and address is for the time being included in the entry for that concern in the register.

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