



Fair Employment (Northern Ireland) Act 1989

1989 CHAPTER 32

PART IV

MISCELLANEOUS AND GENERAL

56 Restriction on proceedings for contravention of legislation

- (1) Except as provided by the Fair Employment (Northern Ireland) Acts or regulations made under those Acts, no proceedings whether civil or criminal shall be brought against any person in respect of a contravention of, or failure to comply with, any provision of those Acts or of such regulations.
- (2) Nothing in subsection (1) above prevents any application for judicial review.

57 Regulations and orders

- (1) The power to make—
 - (a) regulations under section 2(1), 5, 23(8), 28 or 29 of this Act, or
 - (b) an order under section 9(10), 17(6), 25, 41(3) or 47(2) of this Act,shall be exercisable by statutory rule, for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (2) No regulations under section 23(8), 28 or 29 of this Act or order under section 47(2) of this Act shall be made unless a draft of the regulations or order has been laid before and approved by the Northern Ireland Assembly.
- (3) A statutory rule containing regulations under section 2(1) or 5 of this Act or an order under section 17(6), 25 or 41(3) of this Act shall be subject to negative resolution; and section 41(6) of the Interpretation Act (Northern Ireland) 1954 (meaning of “subject to negative resolution”) shall apply as if the power to make the regulations or order were conferred by a Measure of the Northern Ireland Assembly.

58 Meaning of “affirmative action”

- (1) In this Act “affirmative action” means action designed to secure fair participation in employment by members of the Protestant, or members of the Roman Catholic, community in Northern Ireland by means including—
 - (a) the adoption of practices encouraging such participation, and
 - (b) the modification or abandonment of practices that have or may have the effect of restricting or discouraging such participation.
- (2) In this section—
 - “employment”—
 - (a) in the application of this section for the purposes of Part I of this Act or the Fair Employment (Northern Ireland) Act 1976, has the same meaning as in that Act but includes an occupation within the meaning of that Act, and
 - (b) in the application of this section for the purposes of Part II of this Act, has the same meaning as in that Part, and
 - “practices” includes procedures and arrangements.

59 Minor and consequential amendments and repeals

- (1) The minor and consequential amendments in Schedule 2 to this Act have effect.
- (2) The enactments specified in Schedule 3 to this Act are repealed to the extent specified in the third column of that Schedule.

60 Citation, commencement and extent

- (1) This Act may be cited as the Fair Employment (Northern Ireland) Act 1989; and this Act and the Fair Employment (Northern Ireland) Act 1976 may together be cited as the Fair Employment (Northern Ireland) Acts.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) This Act extends to Northern Ireland only, except so far as it—
 - (a) affects enactments extending to the United Kingdom, or
 - (b) relates to the application, by virtue of regulations under section 5 of this Act or by virtue of paragraph 7 of Schedule 1 to this Act, of any enactment so extending.