



# Fair Employment (Northern Ireland) Act 1989

## 1989 CHAPTER 32

### PART II

#### NEW DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

##### *General*

#### **46 Procedure in case of default by Crown bodies**

- (1) This section applies where—
- (a) the Commission asks a public authority acting on behalf of the Crown for an undertaking under section 33 of this Act and the undertaking is not given,
  - (b) an undertaking is given under that section by such a public authority, but is not complied with, or
  - (c) such a public authority is, or is in the opinion of the Commission, in breach of any duty under section 27, 31, 32, 36, 41 or 45 of this Act or under regulations under section 28 or 29 of this Act,
- and, accordingly, sections 33(3), 34 and 42 do not apply in relation to such a public authority.
- (2) The Commission shall send a report of the circumstances of the failure to comply with the Commission's request or with the undertaking or other breach of duty—
- (a) where a Minister of the Crown is the public authority or is generally responsible for matters falling within the scope of the functions of the public authority, to the Minister, and
  - (b) in any other case, to the head of the Northern Ireland department generally responsible for matters falling within the scope of the functions of the public authority or, if no such head stands appointed, to the Secretary of State.

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**Status:** *This is the original version (as it was originally enacted).*

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- (3) Where a report is sent to a Minister of the Crown he shall lay it before Parliament, and where a report is sent to the head of a Northern Ireland department he shall lay it before the Northern Ireland Assembly.
- (4) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 (laying of statutory documents) shall have effect as if a report required to be laid before the Assembly were a statutory document (within the meaning of that Act) required under a Measure of the Assembly to be so laid.