

1988 No. 249

SEX DISCRIMINATION

The Sex Discrimination (Amendment) Order 1988

Made - - - - - *17th February 1988*

Coming into force *25th February 1988*

At the Court at Buckingham Palace, the 17th day of February 1988

Present.

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972^(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Sex Discrimination (Amendment) Order 1988 and shall come into force on 25th February 1988.

2. Subsections (2) and (3) of section 52 of the Sex Discrimination Act 1975^(b) (certificate that act done for purpose of safeguarding national security to be conclusive evidence of that fact) shall cease to have effect in relation to the determination of the question whether any act is rendered unlawful by Part II of that Act, by Part III of that Act, so far as it applies to vocational training, or by Part IV of that Act taken with Part II or with Part III so far as it so applies.

3. Paragraphs (2) and (3) of article 53 of the Sex Discrimination (Northern Ireland) Order 1976^(c) (certificate that act done for purpose of safeguarding national security or of protecting public safety or public order to be conclusive evidence of that fact) shall cease to have effect in relation to the determination of the question whether any act is rendered unlawful by Part III of that Order, by Part IV of that Order, so far as it applies to vocational training, or by Part V of that Order taken with Part III or with Part IV so far as it so applies.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under section 2(2) of the European Communities Act 1972 for the purpose of complying with Council Directive 1976/207/EEC(a) (following the judgment of the European Court of Justice in Case 222 84 *Johnston v The Chief Constable of the Royal Ulster Constabulary*) disapplies certain provisions of the Sex Discrimination Act 1975 and the Sex Discrimination (Northern Ireland) Order 1976. Under those provisions a certificate may be signed by or on behalf of the Secretary of State (or, under the 1975 Act, any other Minister of the Crown) to the effect that an act was done for the purpose of safeguarding national security (or, under the 1976 Order, protecting public safety or public order) and is to be conclusive evidence thereof. Those provisions are disapplied so far as they relate to those Parts of the 1975 Act or the 1976 Order which are concerned with discrimination in the employment field and related areas.

(a) OJ No. L39. 14.2.76. p.40.

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