2000 No. 199

FAIR EMPLOYMENT

Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 2000

Made	*25th May 2000*
Coming into operation . .	*1st July 2000*

Whereas, in accordance with Article 50(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998(**a**) ("the 1998 Order"), each person who, by virtue of the following Order, becomes a public authority for any of the purposes of Articles 52 to 65 of the 1998 Order is:

(1) a Minister of the Crown or a Northern Ireland Minister;

(2) a statutory body or the holder of a statutory office; or

(3) a person appearing to the Office of the First Minister and deputy First Minister(**b**) ("the Department") to exercise functions of a public nature;

And whereas, in accordance with Article 51(4) of the 1998 Order, it appears to the Department that some or all of the people who are employed by each person, who by virtue of the following Order becomes an employer for the purposes of Articles 52 to 61 of the 1998 Order, who are in the service of the Crown for the purposes of the functions of those persons or who are treated by virtue of the following Order as so employed or as in such service, are employed or serve in Northern Ireland:

Now, therefore, the Department in exercise of the powers conferred by Article 50(1) and (2) and Article 51(2) of the 1998 Order and now vested in it(**c**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 2000 and shall come into operation on 1st July 2000.

(2) In this Order—

"the 1998 Order" means the Fair Employment and Treatment (Northern Ireland) Order 1998(**d**);

(**a**) S.I. 1998/3162 (N.I. 21)
(**b**) *See* S.R. 1999 No. 481; Article 4(*a*) and Part I Schedule 2
(**c**) S.R. 1999 No. 481. Schedule 2, Part 1
(**d**) S.I. 1998/3162 (N.I. 21)

"member of the home service forces" means any member of the armed forces whose service (or service otherwise than for the purposes of training) is restricted to Northern Ireland and who is in such service there for not less than sixteen hours weekly;

"Northern Ireland civil servant" means any person appointed to a situation in the Northern Ireland Civil Service, other than a person whose service in such a situation normally involves less than sixteen hours weekly;

"police force" has the same meaning as in the Police (Northern Ireland) Act 1998(**a**);

"reserve force" means a reserve force within the meaning of section 1(2) of the Reserve Forces Act 1996(**b**);

"reservist" means a member of any reserve force who serves wholly or mainly in Northern Ireland, other than a person whose service normally involves less than sixteen hours weekly; and

"United Kingdom civil servant" means any person serving wholly or mainly in Northern Ireland in the civil service of the Crown other than—

(*a*) a person whose service normally involves less than sixteen hours weekly; or

(*b*) a Northern Ireland civil servant.

Specification of public authorities

2. For the purposes of Articles 52 to 61 of the 1998 Order:—

(*a*) the Minister for the Department of Finance and Personnel shall be a public authority and all Northern Ireland civil servants shall be treated as employees of that authority;

(*b*) the Minister for the Civil Service shall be a public authority and all United Kingdom civil servants shall be treated as employees of that authority;

(*c*) the Secretary of State for Defence shall be a public authority and all reservists and members of the home service forces shall be treated as employees of that authority; and

(*d*) the Chief Constable of the Royal Ulster Constabulary shall be a public authority and all members of the police force shall be treated as employees of that authority.

3. Each of the persons specified in Part I of Schedule 1 shall be a public authority for the purposes of Articles 52 to 65 of the 1998 Order.

4. Each of the persons specified in Part II of Schedule 1 shall be a public authority for the purposes of Articles 62 to 65 of the 1998 Order.

(**a**) 1998 c. 32
(**b**) 1996 c. 14

Revocation

5. The Orders specified in column (1) of Schedule 2 are hereby revoked.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 25th May 2000.

(L.S.) *J. A. Canavan*

A senior officer of the Office of the First Minister and deputy First Minister

SCHEDULE 1 Articles 3 and 4

PART I

PUBLIC AUTHORITIES FOR THE PURPOSES OF ARTICLES 52 TO 65 OF THE 1998 ORDER

Agricultural Research Institute of Northern Ireland
Altnagelvin Hospitals Health and Social Services Trust
Armagh and Dungannon Health and Social Services Trust
Arts Council of Northern Ireland
Assembly Ombudsman for Northern Ireland
Belfast City Hospital Health and Social Services Trust
Belfast Education and Library Board
Belfast Harbour Commissioners
The Board of Governors of Stranmillis College of Education, Belfast
Board of Trustees of the National Museums and Galleries of Northern Ireland
British Broadcasting Corporation
Causeway Health and Social Services Trust
Chief Electoral Officer for Northern Ireland
Citybus Limited
Coleraine Harbour Commissioners
Comptroller and Auditor General for Northern Ireland
Construction Industry Training Board
Council for Catholic Maintained Schools
Craigavon Area Hospital Group Health and Social Services Trust
Craigavon and Banbridge Community Health and Social Services Trust
Any District Council
Down Lisburn Health and Social Services Trust
Eastern Health and Social Services Board
Enterprise Ulster
Equality Commission for Northern Ireland
Fire Authority for Northern Ireland
Fisheries Conservancy Board for Northern Ireland
Flexibus Limited
Foyle Health and Social Services Trust
General Consumer Council for Northern Ireland
The governing body of the Armagh College of Further Education
The governing body of the Belfast Institute of Further and Higher Education
The governing body of the Castlereagh College of Further and Higher Education
The governing body of the Causeway Institute of Further and Higher Education
The governing body of the East Antrim Institute of Further and Higher Education
The governing body of the East Down Institute of Further and Higher Education

The governing body of the East Tyrone College of Further and Higher Education
The governing body of the Fermanagh College of Further and Higher Education
The governing body of the Limavady College of Further and Higher Education
The governing body of the Lisburn Institute of Further and Higher Education
The governing body of the Newry and Kilkeel Institute of Further and Higher Education
The governing body of the North Down and Ards Institute of Further and Higher Education
The governing body of the North East Institute of Further and Higher Education
The governing body of the North West Institute of Further and Higher Education
The governing body of Northern Ireland Hotel and Catering College
The governing body of the Omagh College of Further Education
The governing body of the Upper Bann Institute of Further and Higher Education
Green Park Health and Social Services Trust
Homefirst Community Health and Social Services Trust
Independent Commission for Police Complaints for Northern Ireland
The Juvenile Justice Board
Labour Relations Agency
Laganside Corporation
Livestock and Meat Commission for Northern Ireland
Local Enterprise Development Unit
Local Government Staff Commission for Northern Ireland
Londonderry Port and Harbour Commissioners
Mater Infirmorum Hospital Health and Social Services Trust
Mental Health Commission for Northern Ireland
National Board for Nursing, Midwifery and Health Visiting for Northern Ireland
Newry and Mourne Health and Social Services Trust
North Eastern Education and Library Board
North and West Belfast Health and Social Services Trust
Northern Health and Social Services Board
Northern Ireland Ambulance Service Health and Social Services Trust
Northern Ireland Blood Transfusion Service Agency
Northern Ireland Central Services Agency for the Health and Social Services
Northern Ireland Commissioner for Complaints
Northern Ireland Community Relations Council
Northern Ireland Council for the Curriculum, Examinations and Assessment
Northern Ireland Council for Postgraduate Medical and Dental Education
Northern Ireland Economic Development Office
Northern Ireland Fishery Harbour Authority
Northern Ireland Guardian Ad Litem Agency
Northern Ireland Health Promotion Agency
Northern Ireland Housing Executive

Northern Ireland Human Rights Commission
Northern Ireland Local Government Officers' Superannuation Committee
Northern Ireland Railways Company Limited
Northern Ireland Regional Medical Physics Agency
Northern Ireland Tourist Board
Northern Ireland Transport Holding Company
Police Authority for Northern Ireland
Post Office
Probation Board for Northern Ireland
Royal Group of Hospitals and Dental Hospital Health and Social Services Trust
South and East Belfast Health and Social Services Trust
South Eastern Education and Library Board
Southern Education and Library Board
Southern Health and Social Services Board
Sperrin Lakeland Health and Social Services Trust
Sports Council for Northern Ireland
Staff Commission for Education and Library Boards
Ulster Community and Hospitals Health and Social Services Trust
Ulster Supported Employment Limited
Ulsterbus Limited
United Hospitals Health and Social Services Trust
Warrenpoint Harbour Authority
Western Education and Library Board
Western Health and Social Services Board
Youth Council for Northern Ireland

PART II

PUBLIC AUTHORITIES FOR THE PURPOSES OF ARTICLES 62 TO 65 OF THE 1998 ORDER

Minister of Agriculture, Fisheries and Food
Commissioners of Customs and Excise
Secretary of State for Defence
Secretary of State for the Environment, Transport and the Regions
Secretary of State for the Home Department
Board of Inland Revenue
The Lord Chancellor
The Chief Constable of the Royal Ulster Constabulary
The Controller of Her Majesty's Stationery Office
The Director-General for Electricity Supply for Northern Ireland
The Director-General of Gas for Northern Ireland
The Director of Savings (Department for National Savings)

Health and Safety Executive for Northern Ireland

Secretary of State for Northern Ireland

Secretary of State for Social Security

Secretary of State for Trade and Industry

Any Northern Ireland Department

Any Northern Ireland Minister

The governing body of an Institution of Further Education within the meaning of the Further Education (Northern Ireland) Order 1997

Any Health and Social Services trust established under Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991

SCHEDULE 2 Article 5

Orders Revoked

Title (1)	*Number* (2)
Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989	S.R. 1989 No. 475
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1990	S.R. 1990 No. 453
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1993	S.R. 1993 No. 4
Fair Employment (Specification of Public Authorities) (Amendment No. 2) Order (Northern Ireland) 1993	S.R. 1993 No. 459
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1995	S.R. 1995 No. 10
Fair Employment (Specification of Public Authorities) (Amendment No. 2) Order (Northern Ireland) 1995	S.R. 1995 No. 430
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1996	S.R. 1996 No. 504
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1997	S.R. 1997 No. 504
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1998	S.R. 1998 No. 424
Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 1999	S.R. 1999 No. 451

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989 as amended. It specifies a number of persons or bodies as public authorities for certain purposes under Part VII of the Fair Employment and Treatment (Northern Ireland) Order 1998 ("the 1998 Order") and provides for the persons who are to be treated for such purposes as the employees of some of those authorities.

For the purpose of Articles 52 to 61 of the 1998 Order, Article 2—

(*a*) specifies the Minister for the Department of Finance and Personnel as a public authority and provides that all Northern Ireland civil servants (as defined) shall be treated as employees of that authority;

(*b*) specifies the Minister for the Civil Service as a public authority and provides that all United Kingdom civil servants (as defined) shall be treated as employees of that authority;

(*c*) specifies the Secretary of State for Defence as a public authority and provides that all reservists and members of the home service forces (as defined) shall be treated as employees of that authority; and

(*d*) specifies the Chief Constable of the Royal Ulster Constabulary as a public authority and provides that all members of the police force (as defined) shall be treated as employees of that authority.

Article 3 specifies each of the persons listed in Part I of Schedule 1 as a public authority for the purposes of Articles 52 to 65 of the 1998 Order.

Article 4 specifies each of the persons listed in Part II of Schedule 1 as a public authority for the purposes of Articles 62 to 65 of the 1998 Order.

Where a person who is specified as a public authority for the purposes of Articles 52 to 61 of the 1998 Order is the employer, or by virtue of Article 2 becomes the employer, of certain persons then Part VII of the 1998 Order imposes certain duties on him, particularly with respect to those persons. He is required to prepare and serve for each year on the Equality Commission for Northern Ireland ("the Commission") a return (referred to as a "monitoring return") to enable the composition of his workforce to be ascertained; that is to say the number who belong to the Protestant community and the number who belong to the Roman Catholic community in Northern Ireland. In addition the monitoring return he is required to serve must show the composition of applicants for employment in his workforce and the composition of those ceasing to be employed by him. Other provisions of Articles 52 to 61 of the 1998 Order such as those requiring periodic review of recruitment, training and promotion practices; those relating to enquiries by the Commission and undertakings by and directions to employers; and those providing for the setting of goals and timetables also apply to public authorities specified for the purposes of those Articles.

Where a public authority is specified for the purposes of Articles 62 to 65 of the 1998 Order it is prohibited from entering into any contract with a person who is not qualified for the purposes of Articles 64 to 66 of that Order and who, in response to an invitation by the authority offers to execute any work or supply any goods or services to it. Any contravention of or failure to comply with this duty is actionable by any person who, in consequence, suffers loss or damage.

£2·50

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. 602303. C3. 6/00. Gp. 130. 14567.

ISBN 0-3379389-3-8