
STATUTORY INSTRUMENTS

1998 No. 3162

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART VII

DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

General

Interpretation of this Part

69.—(1) In this Part—

“employee” means—

- (a) an individual employed under a contract of service or of apprenticeship; or
- (b) an individual employed under a contract personally to execute any work or labour;

and includes a person in the service of the Crown, but only to the extent provided by Article 51; and “employment” and “employed” shall be interpreted accordingly;

“employer”, in relation to a concern, means the person entitled to the benefit of the contracts of those employed in the concern and includes a public authority, but only to the extent provided by Article 51;

“register” means the register kept under Article 47;

“registered concern” means a concern a description of which is for the time being included in the register; but where, by reason of a disposal of a part of a registered concern, there has been a change of employer in relation to that part, that part is not to be treated as a registered concern unless registered since the disposal; and

“week” means a week ending on a Saturday.

(2) For the purposes of this Part—

- (a) where people are employed by a body corporate, references to the name of the employer are to the name of the body and of its secretary and references to the address of the employer are to the address of the body's registered or principal office, or its principal office in Northern Ireland;
- (b) where people are employed by the members of a partnership, references to the employer are to the firm and references to the employer's address are to the principal office of the partnership, or its principal office in Northern Ireland, but each member of the partnership may exercise any function, under this Part, of the employer;
- (c) where people are employed by any other body, references to the employer are to the secretary or other executive officer charged with the conduct of the general affairs of the body.

(3) For the purposes of this Part—

- (a) bodies corporate are associated if they are members of the same group, and for this purpose any two bodies corporate are to be treated as members of the same group if one of them is a body corporate of which the other is a subsidiary (within the meaning of^{F1} section 1159 of the Companies Act 2006) or if both of them are subsidiaries (within the meaning of^{F2} that section) of one and the same body corporate;
- (b) a body corporate (call it “A”) is controlled by a person (call him “B”) if B has the power to secure, by means of the holding of shares or the possession of voting power in or in relation to A or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating A or any other body corporate, that the affairs of A are conducted in accordance with the wishes of B;
- (c) a person is connected with an individual if that person is the individual's wife or husband^{F3} or civil partner], or is a relative, or the wife or husband^{F3} or civil partner] of a relative, of the individual or of the individual's wife or husband^{F3} or civil partner], and for this purpose “relative” means brother, sister, ancestor or lineal descendant; and
- (d) a person is connected with a body corporate if he is a director or officer of that body.
- (4) References in this Part to a person in the service of the Crown do not include the holder of any office in Schedule 2 to the House of Commons Disqualification Act 1975.

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| F1 | Words in art. 69(3)(a) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), Sch. 1 para. 175(a) (with art. 10) |
| F2 | Words in art. 69(3)(a) substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), Sch. 1 para. 175(b) (with art. 10) |
| F3 | 2004 c.33 |

Changes to legislation:

There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Section 69.