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STATUTORY INSTRUMENTS

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**1998 No. 3162**

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

**PART XI**

**MISCELLANEOUS AMENDMENTS**

*Amendment of the Race Relations (Northern Ireland) Order 1997*

**Acts safeguarding national security, etc.**

**98.** In the Race Relations (Northern Ireland) Order 1997—

(a) for Article 41 (acts safeguarding national security) there shall be substituted—

**“Acts safeguarding national security, etc.**

**41.** No act done by any person shall be treated for the purposes of any provision of Parts II to IV as unlawfully discriminating if—

- (a) the act is done for the purpose of safeguarding national security or protecting public safety or public order; and
- (b) the doing of that act is justified by that purpose.

**Effect of certificates by Secretary of State**

**41A.—(1)** This Article applies where in any proceedings—

- (a) a person claims that an act discriminated against him in contravention of any provision of Parts II to IV; and
- (b) the person against whom the claim is made proposes to rely on a certificate purporting to be signed by or on behalf of the Secretary of State and certifying—
  - (i) that an act specified in the certificate was done for the purpose of safeguarding national security or protecting public safety or public order; and
  - (ii) that the doing of the act was justified by that purpose.

(2) The claimant may, in accordance with rules under section 91 of the Northern Ireland Act 1998, appeal against the certificate to the tribunal established under that section.

(3) If on an appeal under paragraph (2) that tribunal determines—

- (a) that the act specified in the certificate was done for the certified purpose; and
- (b) that the doing of the act was justified by that purpose,

the tribunal shall uphold the certificate; in any other case, the tribunal shall quash the certificate.

(4) If—

- (a) the claimant does not appeal against the certificate; or
- (b) the certificate is upheld on appeal,

the certificate shall be conclusive evidence of the matters certified by it.

(5) Sections 91 and 92 of the Northern Ireland Act 1998 shall apply in relation to appeals under this Article as they apply in relation to appeals under section 90 of that Act.

(6) In this Article—

“claim” includes complaint; and

“claimant” includes complainant.”;

- (b) in Article 66, paragraph (2)(b) and the word “or” immediately preceding it shall cease to have effect.