

Status: Point in time view as at 16/07/1996.

Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999). (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(2), Sch. 5 para. 12(1)(a).

THE FAIR EMPLOYMENT AGENCY FOR NORTHERN IRELAND

Incorporation and status

1 [F1The Commission shall continue in existence as a body corporate.]

Textual Amendments

F1 Sch. 1 para. 1 substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 22

- 2 (1) The [F2Commission] is not an emanation of the Crown, and shall not act or be treated as the servant or agent of the Crown.
- (2) Accordingly—
- (a) neither the [F2Commission] nor any of its members or members of its staff as such is entitled to any status, immunity, privilege or exemption enjoyed by the Crown;
 - (b) the members of the [F2Commission] and members of its staff as such are not civil servants; and
 - (c) the [F2Commission] property is not property of, or held on behalf of, the Crown.

Textual Amendments

F2 Word substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), Sch. 2 para. 23

Tenure of office of members

- 3 (1) A person shall hold and vacate his office as chairman or other member of the [F3Commission] in accordance with terms of his appointment:
Provided that no such appointment shall be for a period exceeding five years in the case of the chairman and three years in the case of another member.
- (2) A person may at any time resign office as chairman or other member of the [F3Commission] by notice to the Department.

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- (3) Past service as chairman or other member of the [F³Commission] is no bar to re-appointment.

Textual Amendments

- F3** Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)

Remuneration of members

- 4 The Department may pay, or make such payments towards the provision of, such remuneration, allowances (including allowances for expenses), pensions or gratuities to or in respect of the chairman and other members of the [F⁴Commission], or any of them, as, with the approval of the Department of Finance, it may determine.

Textual Amendments

- F4** Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)

Modifications etc. (not altering text)

- C1** Functions of Department of Finance now exercisable by Department of the Civil Service: S.R. (N.I.) 1976 No. 281

Staff

- 5 (1) The [F⁵Commission] may with the approval of the Department and the Department of Finance as to numbers and as to remuneration and other terms and conditions of employment—
- (a) employ such officers and servants as the [F⁵Commission] considers necessary;
 - (b) employ the services of such other persons as the [F⁵Commission] considers expedient for any particular purpose.
- (2) The [F⁵Commission] may, in the case of such persons employed by it as may be determined by the [F⁵Commission] with the approval of the Department and the Department of Finance, pay to or in respect of them such allowances (including allowances for expenses), pensions or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), or contributory or other pension arrangements, as may be so determined.

Textual Amendments

- F5** Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)

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Modifications etc. (not altering text)

- C2** Functions of Department of Finance now exercisable by Department of the Civil Service: S.R. (N.I.) 1976 No. 281

Proceedings

- 6 (1) Without prejudice to any provision of [^{F6}Schedule 1 to the Fair Employment (Northern Ireland) Act 1989], the [^{F7}Commission] may regulate its own procedure and business including the formalities for affixing its common seal to any document and, subject to sub-paragraph (2), its quorum.
- (2) The quorum for meetings of the [^{F7}Commission] shall, in the first instance, be determined by a meeting of the [^{F7}Commission] attended by not less than five members.

Textual Amendments

- F6** Words substituted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), 60(2), **Sch. 2 para. 24**
- F7** Word substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 23**

- 7 The validity of any proceedings of the [^{F8}Commission] shall not be affected by any vacancy in the office of chairman or other member of the [^{F8}Commission] or by any defect in the appointment of the chairman or any other member.

Textual Amendments

- F8** Word substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 23**

Instruments

- 8 A document purporting to be duly executed under the common seal of the [^{F9}Commission] shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Textual Amendments

- F9** Word substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 23**

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- 9 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the [F¹⁰Commission] by any person generally or specially authorised by the [F¹⁰Commission] to act for that purpose, and any document purporting to be such a contract or instrument shall be deemed to be such a contract or instrument until the contrary is proved.

Textual Amendments

F10 Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)

Discharge of functions

- 10 (1) The [F¹¹Commission] may authorise the discharge, under the general direction of the [F¹¹Commission], of its functions [F¹²in relation to any matter or class of matters falling to be dealt with by it] by either a member or a group of members of the [F¹¹Commission] selected by the chairman.
- (2) Anything done by or in relation to a member or group of members in or in connection with the discharge of functions he or they are authorised to discharge under sub-paragraph (1) shall have the same effect as if done by or in relation to the [F¹¹Commission].
- (3) A group of members authorised to discharge any functions under sub-paragraph (1) may regulate their own procedure and business, including their quorum.
- (4) The validity of any proceedings of a member or group of members so authorised shall not be affected by any defect in his appointment or any of their appointments; and the validity of the proceedings of any such group shall not be affected by any vacancy in their number.
- (5) The chairman may select himself, as the member, or as one of the group of members, mentioned in this paragraph.

Textual Amendments

F11 Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)

F12 [Sch. 1 para. 10\(1\)](#): Words from “in relation to any matter” to “by it” substituted (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: [S.I. 1989/1928, art. 2\(4\)](#)) for words from “in relation to” to the end of para. (b) by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), ss. 59\(1\), 60\(2\), Sch. 2 para. 25](#)

- 11 The [F¹³Commission] may appoint as assessors, to assist—
- (a) the [F¹³Commission]; or
 - (b) any member or group of members authorised to discharge functions under paragraph 10,

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in the investigation of any . . . ^{F14} matter, persons appearing to the [^{F13}Commission] to have special knowledge and experience of the matters to which the investigation relates and of any other circumstances appearing to the [^{F13}Commission] to be relevant.

Textual Amendments

- F13** Word substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 23**
- F14** Words repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1)(2), 60(2), Sch. 2 para. 26, **Sch. 3**

Expenses and accounts

- 12 All expenditure incurred by or on behalf of the [^{F15}Commission]—
- (a) within the terms of any general authorisation in writing given by the Department and the Department of Finance; or
 - (b) with the approval of those Departments;’
- may be defrayed as expenses of the Department.

Textual Amendments

- F15** Word substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 23**

Modifications etc. (not altering text)

- C3** Functions of Department of Finance now exercisable by Department of the Civil Service: S.R. (N.I.) 1976 No. 281

- 13 (1) The [^{F16}Commission] shall keep proper accounts in such form as may be approved by the Department, and proper records in relation to the accounts, and shall prepare in respect of [^{F17}each] financial year a statement of accounts in such form as the Department, with the approval of the Department of Finance may direct.
- (2) The accounts of the [^{F16}Commission] shall be audited by auditors appointed by the [^{F16}Commission] with the approval of the Department and shall be vouched to the satisfaction of the auditors.
- (3) The [^{F16}Commission] shall, at such time in each year as the Department may direct, transmit to the Department and the Comptroller and Auditor-General copies, certified by the auditors, of the annual statement of accounts.
- (4) The Comptroller and Auditor-General—
- (a) shall examine a copy of each annual statement of accounts of the [^{F16}Commission];

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- (b) may, in connection with such examination, examine any accounts kept by the [F16Commission] and any records relating to the accounts; and
 - (c) shall make a report on the copy of each annual statement of accounts and send the report to the Department.
- (5) Subject to sub-paragraph (6), a copy of every annual statement of accounts of the [F16Commission] and a copy of the Comptroller and Auditor-General’s report thereon shall be laid by the head of the Department before the Northern Ireland Assembly.
- (6) [F18If no head of the Department stands appointed for the time being] the copies mentioned in sub-paragraph (5) shall, instead, be sent by the Department to the Secretary of State and laid by him before Parliament.
- (7) In this paragraph “the Comptroller and Auditor-General” means the Comptroller and Auditor-General for Northern Ireland.

Textual Amendments

- F16** Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)
- F17** Words substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 27\(a\)](#)
- F18** Words substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 27\(b\)](#)

Modifications etc. (not altering text)

- C4** Functions of Department of Finance now exercisable by Department of the Civil Service: S.R. (N.I.) 1976 No. 281

Annual report

- 14 (1) The [F19Commission] shall prepare in respect of [F20each] financial year a report on the [F19Commission]’s activities during that . . . F21 year (“the annual report”).
- (2) The annual report shall include a general survey of developments, during the period to which it relates, in respect of matters falling within the scope of the [F19Commission]’s functions.
- (3) Subject to sub-paragraph (4), the annual report shall be made to the head of the Department and shall be laid by him before the Northern Ireland Assembly.
- (4) [F22If no head of the Department stands appointed for the time being] the annual report shall, instead, be made to the Secretary of State and laid by him before Parliament.
- (5) The Department, or where sub-paragraph (4) applies the Secretary of State, shall cause the annual report to be published.

Textual Amendments

- F19** Word substituted by [Fair Employment \(Northern Ireland\) Act 1989 \(c. 32, SIF 43:1\), s. 59\(1\), Sch. 2 para. 23](#)

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- F20** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 28(a)**
- F21** Words repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F22** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 28(b)**

SCHEDULES 2,3,4,5.

F23
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Textual Amendments

- F23** Schedules 2–4 repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**; Schedule 5 repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 50(2), 59(2), **Sch. 3**

SCHEDULE 6

Section 58(1), 59(3).

AMENDMENTS

Modifications etc. (not altering text)

- C5** The text of s. 51(1)(3), Schedule 6 is in the form in which it was originally enacted: it was not reproduced in the Statutes in Force and, except as specified, does not reflect any amendments or repeals that may have been made prior to 1.2.1991.

The Northern Ireland Constitution Act 1973 (c.36)

- 1 In section 19 of the Northern Ireland Constitution Act 1973 (religious or political discrimination by certain public authorities to be unlawful)—
 - (a) at the beginning of subsection (1) there shall be inserted the words “ Subject to subsection (4) below” ; and
 - (b) after subsection (3) there shall be inserted the following subsection—
 - “(4) This section does not apply to any act or omission which is unlawful by virtue of the Fair Employment (Northern Ireland) Act 1976 or would be unlawful but for some exception made by virtue of Part V of that Act.”
- 2 In section 20(2) of that Act (membership of the Standing Advisory Commission on Human Rights), after paragraph (d) there shall be inserted the following paragraph—

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“(dd) the chairman of the Fair Employment Agency for Northern Ireland;
and ;

and for “(d)” in the second place where it occurs there shall be substituted “(dd)”.

The House of Commons Disqualification Act 1975 (c. 24)

F24

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Textual Amendments

F24 Schedule 6 para. 3 repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), Sch. 3

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

F25

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Textual Amendments

F25 Schedule 6 para. 4 repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), Sch. 3

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