

1999 No. 1804

NORTHERN IRELAND

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

**The Equality Commission for Northern Ireland
(Supplementary Provisions) (Northern Ireland) Order 1999**

<i>Made - - - -</i>	<i>23rd June 1999</i>
<i>Laid before Parliament</i>	<i>29th June 1999</i>
<i>Coming into force</i>	<i>20th July 1999</i>

The Secretary of State, in exercise of the powers conferred by section 74(5) and (6) of the Northern Ireland Act 1998(a) and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Equality Commission for Northern Ireland (Supplementary Provisions) (Northern Ireland) Order 1999.

(2) This Order shall come into force on 20th July 1999.

Interpretation

2. In this Order—

“the Commission” means the Equality Commission for Northern Ireland;

“the Department” means the Department of Economic Development;

“dissolved body” means a body dissolved by section 74(1) of the 1998 Act;

“the transfer day” means the day appointed under section 101(3) of the 1998 Act for the coming into force (for all remaining purposes) of section 74(1) of that Act(b);

“the 1998 Act” means the Northern Ireland Act 1998.

Transfer of property, rights and liabilities

3.—(1) All property, rights and liabilities to which a dissolved body is entitled or subject immediately before the transfer day shall on that day be transferred to, and by virtue of this Order vest in, the Commission.

(2) This Article does not apply to rights and liabilities under a contract of employment (which are dealt with by Article 4).

(3) A certificate issued by the Department and stating that any property, right or liability specified in the certificate was transferred by virtue of this Article to the Commission shall be conclusive evidence for all purposes of that fact.

(a) 1998 c. 47.

(b) By S.I. 1999/1753 (C. 48), section 74 came into force on 21st June 1999 for the purpose of making an order under subsections (5) and (6).

Transfer of employees

4.—(1) Subject to paragraphs (2) and (3), this Article applies to a person who immediately before the transfer day is employed by a dissolved body.

(2) This Article does not apply to a person if his contract of employment terminates on the day immediately before the transfer day.

(3) Where a person—

- (a) has, prior to the transfer day, entered into a contract of employment with a dissolved body which is to come into effect on or after that day; and
- (b) would, if the contract had come into effect before that day, have been a person to whom this Article applies,

he shall be treated as if he were a person to whom this Article applies.

(4) A contract of employment between a person to whom this Article applies and a dissolved body shall have effect as from the transfer day as if originally made between that person and the Commission.

(5) Without prejudice to paragraph (4)—

- (a) all the dissolved body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of this Article be transferred to the Commission on the transfer day; and
- (b) anything done before that day by or in relation to the dissolved body in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Commission.

(6) Paragraphs (4) and (5) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this Article.

References in documents

5.—(1) In the construction and for the purposes of any document made or issued before the transfer day, any reference to, or which is to be construed as a reference to, a dissolved body shall, so far as may be necessary for the purposes of section 74 of the 1998 Act, be construed as a reference to the Commission.

(2) Nothing in section 74 of the 1998 Act shall affect the validity of any document made or issued or any other act done by, or in relation to, a dissolved body before the transfer day; and any such document or act shall, if in force immediately before that day, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Commission.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to a dissolved body immediately before the transfer day may be continued by or in relation to the Commission.

Accounts and reports

6.—(1) In this Article “the relevant period” means the period—

- (a) beginning with 1st April 1999; and
- (b) ending immediately before the transfer day.

(2) The first annual report of the Commission to the Department under paragraph 5 of Schedule 8 to the Northern Ireland Act 1998 shall include reports by the Commission on the performance by the dissolved bodies of their functions during that period.

(3) The Commission shall—

- (a) prepare a statement of accounts for each of the dissolved bodies (other than the Northern Ireland Disability Council) in respect of the relevant period containing such information, and in such form, as is directed by the Department with the consent of the Department of Finance and Personnel; and

- (b) send copies to the Department and to the Comptroller and Auditor General for Northern Ireland at the same time as a copy of the statement of accounts for the first financial year of the Commission is so sent under paragraph 7(2)(b) of Schedule 8 to the 1998 Act.
- (4) Paragraph 7(3) and (4) of Schedule 8 to the 1998 Act shall apply to a statement of accounts prepared under paragraph (3) as they apply to the statement of accounts for the first financial year of the Commission.

Northern Ireland Office
23rd June 1999

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes supplementary, incidental and consequential provisions as a result of section 74(1) and (2) of the Northern Ireland Act 1998 which provided for the functions of the Fair Employment Commission for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Commission for Racial Equality for Northern Ireland and the Northern Ireland Disability Council to be exercisable by the Equality Commission for Northern Ireland and for those bodies to be dissolved.

The Order transfers the property, rights, liabilities and staff of the dissolved bodies to the Equality Commission for Northern Ireland and provides for accounts and reports to be prepared in respect of the period before the dissolution of those bodies.

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