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STATUTORY INSTRUMENTS

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**1998 No. 3162**

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

**PART VII**

**DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES**

*Employers in default and connected persons: restrictions  
on dealing with them or giving them financial assistance*

**Restriction on execution of works, etc. by unqualified persons**

**64.**—(1) A public authority shall not enter into any contract to which paragraph (2) or (3) applies.

(2) This paragraph applies to a contract made by the public authority accepting an offer to execute any work or supply any goods or services where the offer is made—

- (a) by an unqualified person; and
- (b) in response to an invitation by the public authority to submit offers.

(3) This paragraph applies to a contract falling within a class or description for the time being specified in an order made by the Department, where work is to be executed or goods or services supplied by any unqualified person.

(4) Where a public authority enters into a contract—

- (a) made by the public authority accepting an offer made by any person, being an offer made in response to an invitation by the public authority to submit offers; or
- (b) falling within a class or description for the time being specified for the purposes of paragraph (3),

the public authority shall take all such steps as are reasonable to secure that no work is executed or goods or services supplied for the purposes of the contract by any unqualified person.

(5) An order under paragraph (3) may frame any class or description of contract by reference to—

- (a) any work to be executed or goods or services to be supplied under the contract;
- (b) any amounts to be paid under or in connection with the contract;
- (c) any terms of the contract; and
- (d) any surrounding circumstances,

and by reference to such other factors as the Department thinks fit.

(6) Nothing in this Article affects the validity of any contract.

(7) This Article does not apply to the execution of any work, or the provision of any goods or services, by any person which is certified in writing by the Secretary of State to be necessary or desirable for the purpose of safeguarding national security or protecting public safety or public order.