
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

Additional powers of Commission to obtain information

67.—(1) In connection with its functions under this Part, the Commission may require any person to give the Commission such information as it may specify for the purpose of determining—

- (a) whether a person is an employer or whether a concern has satisfied the condition for registration at the end of any week;
- (b) whether a body corporate is controlled by an employer or associated with him or whether any person is connected with him; and
- (c) whether a contract of either of the following kinds has been made or is likely to be made—
 - (i) a contract made by a public authority accepting an offer to execute any work or supply any goods or services where the offer is made by any person in response to an invitation by the public authority to submit offers; or
 - (ii) a contract falling within a class or description for the time being specified for the purposes of Article 64(3) to which a public authority is a party,or whether any person has executed any work or supplied any goods or services for the purposes of any such contract, or is likely to do so.

(2) A requirement under this Article to give any information—

- (a) shall be made by notice served on the person concerned; and
- (b) shall specify the time by which the information is to be given.

(3) A person required to give any information under this Article who fails to comply with the requirement by the specified time shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (3)—

- (a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale; and
- (b) if the failure continues after conviction, shall be liable on a second or subsequent summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.

(5) It is a defence for a person charged with an offence under paragraph (3) to show that he had a reasonable excuse (which may include unreasonable expense or inconvenience) for failing to

Status: Point in time view as at 20/09/2021.

Changes to legislation: There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Section 67. (See end of Document for details)

comply with the requirement by the specified time and, in a case where it was reasonably practicable for him to comply with it after that time, to show that either—

- (a) he complied with it as soon as was reasonably practicable; or
- (b) it was not reasonably practicable for him to comply with it before the proceedings were commenced,

and for the purposes of this paragraph the making of a complaint is to be treated as the commencement of the proceedings.

(6) A person required to give any information under this Article who knowingly gives any false or misleading information shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) A notice under this Article may not require any person to give any information which he could not be compelled to give in evidence in civil proceedings before the High Court.

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