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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**

*Public authorities*

**Power to specify public authorities by order**

**50.**—(1) In this Part “public authority” means a person specified in an order made by the Department.

(2) The order may provide for a person to be a public authority for all or any of the purposes of this Part.

(3) The Department shall not exercise the power conferred by this Article so that a person becomes a public authority for any of the purposes of this Part unless the person is—

- (a) a Minister of the Crown or a Northern Ireland Minister;
- (b) a statutory body or the holder of a statutory office; or
- (c) a person appearing to the Department to exercise functions of a public nature.

**Certain public authorities to be treated as employers**

**51.**—(1) For the purposes of Articles 52 to 61, any reference to an employer includes any person who is a public authority for the purposes of those Articles.

(2) For the purposes of those Articles, in relation to any such authority—

- (a) “employee” includes any person in the service of the Crown for the purposes of the functions of the authority, but an order under Article 50 may specify the persons who are to be treated for the purposes of those Articles as the employees of that authority; and
- (b) “concern” means the activities of those who are the employees of the authority for the purposes of those Articles.

(3) Those Articles shall apply in relation to a person who becomes an employer for the purposes of those Articles by virtue of an order under Article 50 as if his concern were a registered concern and the description of his concern had been entered in the register on the coming into operation of the order (without prejudice to the effect of any previous order).

(4) The Department shall not exercise the power conferred by Article 50 so that a person becomes an employer for the purposes of those Articles unless it appears to the Department that any of the people—

- (a) who are employed by that person or are in the service of the Crown for the purposes of the functions of that person; or

(b) who are to be treated by virtue of the order as so employed or as in such service, are employed or serve in Northern Ireland.