

SCHEDULES

SCHEDULE 2

AMENDMENTS

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 (NI 6)

- 6.—(1) In Article 19(1) after “Article 20” insert “, 20A”.
- (2) After Article 20 insert—

“Race relations matters

20A.—(1) Except to the extent permitted by paragraph (2) Article 67 of the Race Relations (Northern Ireland) Order 1997 (councils to have regard to need to eliminate unlawful racial discrimination and promote equality of opportunity, and good relations, between persons of different racial groups) shall not require or authorise a council to exercise any function regulated by Article 19 by reference to a non-commercial matter.

(2) Subject to paragraph (3), nothing in Article 19 shall preclude a council from—

- (a) asking approved questions seeking information or undertakings relating to workforce matters and considering the responses to them, or
- (b) including in a draft contract or draft tender for a contract terms or provisions relating to workforce matters and considering the responses to them,

if, as the case may be, consideration of the information, the giving of the undertaking or the inclusion of the term is reasonably necessary to secure compliance with Article 67 of the 1997 Order.

(3) Paragraph (2) does not apply to the function of terminating a subsisting contract and, in relation to functions as respects approved lists or proposed contracts, does not authorise questions in other than written form.

(4) Where it is permissible under paragraph (2) to ask a question it is also permissible to make, if it is in writing, an approved request for evidence in support of an answer to the question.

(5) The Department may specify—

- (a) questions which are to be approved questions for the purposes of this Article; and
- (b) descriptions of evidence which, in relation to approved questions, are to be approved descriptions of evidence for those purposes.

(6) Any specification under paragraph (5)—

- (a) shall be in writing; and
- (b) may include such transitional and consequential provisions as appear to the Department to be necessary or expedient.

(7) In this Article—

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“approved question” means a question for the time being specified by the Department under paragraph (5);

“approved request for evidence” means a request for evidence of a description for the time being specified by the Department under paragraph (5) in relation to an approved question;

“workforce matters” means matters falling within sub-paragraph (a), but no other sub-paragraph, of Article 19(4).”.