

1977 No. 100

SEX DISCRIMINATION**Sex Discrimination (Formal Investigations) Regulations
(Northern Ireland) 1977***Made* 14th April 1977*Coming into operation* 19th May 1977

The Department of Manpower Services in exercise of the powers conferred on it by Articles 2(2), 58(3), 59(1) and 67(2) of the Sex Discrimination (Northern Ireland) Order 1976(a) and of every other power enabling it in that behalf hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Sex Discrimination (Formal Investigations) Regulations (Northern Ireland) 1977 and shall come into operation on 19th May 1977.

Interpretation

2. In these regulations—

“the Order” means the Sex Discrimination (Northern Ireland) Order 1976.

“the Commission” shall have the meaning assigned to it by the Order, except that in regulations 4 and 5 as respects any of the functions of the Commission in relation to a formal investigation which the Commission has delegated under Article 57(3) of the Order, “the Commission” shall mean the persons, being either Commissioners or additional Commissioners, to whom those functions have been so delegated.

Service of notices

3. Any reference to a person being served with a notice, in regulations 4, 5 and 6, is a reference to service of the notice on him being effected—

- (a) by delivering it to him;
- (b) by sending it by post to him at his usual or last-known residence or place of business;
- (c) where the person is a body corporate or is a trade union or employers' association within the meaning of the Industrial Relations (Northern Ireland) Order 1976(b), by delivering it to the secretary or clerk of the body, union or association at its registered or principal office or by sending it by post to that secretary or clerk at that office; or
- (d) where the person is acting by a solicitor by delivering it at, or by sending it by post to, the solicitor's address for service.

(a) S.I. 1976/1042 (N.I. 15)

(b) S.I. 1976/1043 (N.I. 16)

Notice of holding of formal investigation

4.—(1) Where, in pursuance of Article 58 of the Order, notice of the holding of a formal investigation falls to be given by the Commission to a person named in the terms of reference for the investigation, that person shall be served with a notice setting out the terms of reference.

(2) Where the terms of reference for a formal investigation are revised, paragraph (1) shall apply in relation to the revised investigation and terms of reference as it applied to the original.

Requirement to furnish or give information or produce documents

5. Where, in pursuance of Article 59(1) of the Order, the Commission requires a person to furnish written information, give oral information or produce documents, that person shall be served with a notice in the form set out in Schedule 1, with such variations as the circumstances may require.

Non-discrimination notice

6. A non-discrimination notice issued by the Commission in pursuance of Article 67(2) of the Order shall be in the form set out in Schedule 2, with such variations as the circumstances may require, and the person to whom it is directed shall be served with such notice.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 14th April 1977.

(L.S.)

J. S. Crozier

Assistant Secretary

SCHEDULE 1

REQUIREMENT TO FURNISH WRITTEN INFORMATION OR GIVE ORAL EVIDENCE AND PRODUCE DOCUMENTS (THE SEX DISCRIMINATION (NORTHERN IRELAND) ORDER 1976, ART. 59(1))

To A.B. of

For the purposes of the formal investigation being conducted by the Equal Opportunities Commission for Northern Ireland ("the Commission") the terms of reference of which [were given to you in a notice dated [are set out in the Schedule hereto], you are hereby required, in pursuance of Article 59(1) of the Sex Discrimination (Northern Ireland) Order 1976 ("the Order") and subject to Article 59(3) thereof, [to furnish such written information as is hereinafter described, namely (description of information). The said information is to be furnished (specify the time or times at which, and the manner and form in which, the information is to be furnished).] [to attend at (insert time) on (insert date) at (insert place) and give oral information about (or give oral evidence about, and produce all documents in your possession or control relating to,) such matters as are hereinafter specified, namely (specify matters).]

Dated the day of19

This notice was issued by the [Commission] [Commissioners/Commissioners and additional Commissioners to whom the Commission has, in pursuance of Article 57(3) of the Order and in relation to the investigation, delegated its functions under Article 59(1) thereof].

[Service of this notice was authorised by an order made in pursuance of Article 59(2)(a) of the Order and dated (insert date), a copy of which is attached.]

[Having regard to the terms of reference of the investigation and the provisions of Article 59(2)(b)/Article 69 of the Order, service of this notice does not require the consent of the Department of Manpower Services.]

C. D. [Commissioner.] [General Manager (or other appropriate officer) of the Commission.]

[SCHEDULE TERMS OF REFERENCE OF INVESTIGATION]

SCHEDULE 2

NON-DISCRIMINATION NOTICE

(THE SEX DISCRIMINATION (NORTHERN IRELAND) ORDER 1976, ART. 67)

To A.B. of

Whereas, in the course of a formal investigation, the Equal Opportunities Commission for Northern Ireland ("the Commission") has become satisfied that you were committing/had committed an act/acts to which Article 67 of the Sex Discrimination (Northern Ireland) Order 1976 ("the Order") applies, namely, *(insert particulars of act or acts)*.

Now, therefore, without prejudice to your other duties under the Order or the Equal Pay Act (Northern Ireland) 1970, you are hereby required, in pursuance of Article 67(2) of the Order, not to commit any act which is [an unlawful discriminatory act by virtue of *(insert reference to relevant Part or provision of the Order)*] [a contravention of Article 38 of the Order] [an act which is a contravention of Article 39/40/41 of the Order by reference to Part III/Part IV thereof] [an act in breach of a term of a contract under which a person is employed, being a term modified or included by virtue of an equality clause within the meaning of the Equal Pay Act (Northern Ireland) 1970].

Where compliance with the aforesaid requirement involves changes in any of your practices or other arrangements, you are further required, in pursuance of the said Article 67(2), to inform the Commission [as hereinafter provided] that you have effected those changes and what those changes are [and to take the following steps for the purpose of affording that information to other persons concerned, namely *(specify steps to be taken)*].

[You are further required, in pursuance of Article 67(3) of the Order, to furnish the Commission as hereinafter provided with the following information, to enable it to verify your compliance with this notice, namely *(insert description of information required)*.]

[The information to be furnished by you to the Commission in pursuance of this notice shall be furnished as follows, namely, *(specify the time or times at which, and the manner and form in which, the information, or information of a particular description, is to be furnished)*.]

Dated the day of 19 .

This notice was issued by the Commission, the provisions of Article 67(5) of the Order having been complied with.

C. D.
[Commissioner.]
[General Manager *(or other appropriate officer)*
of the Commission.]

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations relate to notices given for the purpose of formal investigations under the Sex Discrimination (Northern Ireland) Order 1976 and to non-discrimination notices issued in consequence of such investigations.

Regulation 3 provides for the mode of service of notices.

Regulation 4 prescribes the manner in which notice of an investigation is to be given to certain individuals in cases in which general notice of the investigation is not given.

Regulation 5 prescribes the form of a notice requiring a person to furnish or give information or produce documents and the manner in which it shall be given.

Regulation 6 prescribes the form of a non-discrimination notice and the manner in which it shall be given.