
EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies a number of persons or bodies as public authorities for certain purposes under Part VII of the Fair Employment and Treatment (Northern Ireland) Order 1998 (“the 1998 Order”) and provides for the persons who are to be treated for such purposes as the employees of some of those authorities.

For the purpose of Articles 52 to 61 of the 1998 Order, Article 2 –

- (a) specifies the Minister for the Department of Finance and Personnel as a public authority and provides that all Northern Ireland civil servants (as defined) shall be treated as employees of that authority;
- (b) specifies the Minister for the Civil Service as a public authority and provides that all United Kingdom civil servants (as defined) shall be treated as employees of that authority;
- (c) specifies the Secretary of State for Defence as a public authority and provides that all reservists and members of the home service forces (as defined) shall be treated as employees of that authority; and
- (d) specifies the Chief Constable of the Police Service of Northern Ireland as a public authority and provides that all members of the police (as defined) shall be treated as employees of that authority.

Article 3 specifies each of the persons listed in Part I of the Schedule as a public authority for the purposes of Articles 52 to 65 of the 1998 Order.

Article 4 specifies each of the persons listed in Part II of the Schedule as a public authority for the purposes of Articles 62 to 65 of the 1998 Order.

Where a person who is specified as a public authority for the purposes of Articles 52 to 61 of the 1998 Order is the employer, or by virtue of Article 2 becomes the employer, of certain persons then Part VII of the 1998 Order imposes certain duties on him, particularly with respect to those persons. He is required to prepare and serve for each year on the Equality Commission for Northern Ireland (“the Commission”) a return (referred to as a “monitoring return”) to enable the composition of his workforce to be ascertained; that is to say the number who belong to the Protestant community and the number who belong to the Roman Catholic community in Northern Ireland. In addition the monitoring return he is required to serve must show the composition of applicants for employment in his workforce and the composition of those ceasing to be employed by him. Other provisions of Articles 52 to 61 of the 1998 Order such as those requiring periodic review of recruitment, training and promotion practices; those relating to enquiries by the Commission and undertakings by and directions to employers; and those providing for the setting of goals and timetables also apply to public authorities specified for the purposes of those Articles.

Where a public authority is specified for the purposes of Articles 62 to 65 of the 1998 Order it is prohibited from entering into any contract with a person who is not qualified for the purposes of Articles 64 to 66 of that Order and who, in response to an invitation by the authority offers to execute any work or supply any goods or services to it. Any contravention of or failure to comply with this duty is actionable by any person who, in consequence, suffers loss or damage.

Article 5 revokes the Fair Employment (Specification of Public Authorities) (No. 2) Order (Northern Ireland) 2000 and the Fair Employment (Specification of Public Authorities) (Amendment) Order (Northern Ireland) 2003.