



Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999)

1976 CHAPTER 25

PART VI

MISCELLANEOUS

General

57 General interpretation.

(1) In this Act, unless the context otherwise requires,—

“access” shall be construed in accordance with subsection (7);

“act” includes a deliberate omission, and any reference to an act, action or other thing done shall be construed accordingly;

“advertisement” includes every form of advertisement, whether to the public or not, and whether in a newspaper or other publication, by television or radio, by display or circulation of notices or circulars, by exhibition of pictures, models or films or in any other way, and references to the publishing of advertisements shall be construed accordingly;

[^{F1}“affirmative action” has the meaning given by section 58 of the Fair Employment (Northern Ireland) Act 1989;]

.....
F2

.....
F2

“benefits” includes all opportunities, services and facilities, and, in particular, includes opportunities for training, transfer or promotion, for betterment of any kind (including more attractive times or conditions of work) or for any financial advantage (including bonuses, advances of money and preferential terms for acquiring property of any kind);

[^{F3}“the Commission” means the Fair Employment Commission for Northern Ireland;]

.....
F4

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Section 57. (See end of Document for details)

“complainant” means a person making a complaint that unlawful discrimination has been committed against him . . . ^{F5}

“complaint” means a complaint of unlawful discrimination made to the [^{F6}Tribunal] under section 24;

“confer”, in relation to a qualification, includes renew and extend;

“contract” includes any contract, whether in writing or oral, express or implied;

“contravention”, in relation to any provision, includes a failure to comply with that provision;

“costs” includes expenses; ^{F7}

. ^{F8}

“the Department” means the Department of Manpower Services for Northern Ireland;

“the Department of Finance” means the Department of Finance for Northern Ireland;

“discrimination” and “discriminate” shall be construed in accordance with section 16(1) to (4);

“employer” means—

- (a) in relation to a person who is seeking employment, anybody who has employment available;
- (b) in relation to a person employed under a contract of service or of apprenticeship or a contract personally to execute any work or labour, the person entitled to the benefit of that contract;
- (c) in relation to a person who has ceased to be in employment, his former employer;

and “employee”, correspondingly, means such a person as is first mentioned in paragraph (a), (b) or (c) of this definition;

“employment” means employment under a contract of service or apprenticeship or a contract personally to execute any work or labour, and, without prejudice to the definitions of “employer” and “employee” above, related expressions shall be construed accordingly;

“employment agency” means a person who, for profit or not, provides services for the purpose of finding employment for workers or supplying employers with workers;

“employment in Northern Ireland” shall be construed in accordance with section 49;

“enactment” includes an enactment contained in an Act of the Parliament of Northern Ireland or an Order in Council made under the ^{M1}Northern Ireland (Temporary Provisions) Act 1972, or in a Measure of the Northern Ireland Assembly;

“equality of opportunity” shall be construed in accordance with [^{F9}section 20 of the Fair Employment (Northern Ireland) Act 1989];

“financial year” means a year ending on 31st March; ^{F10}

“government department” includes a Northern Ireland department;

“the High Court” means the High Court of Justice in Northern Ireland; ^{F10}

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Section 57. (See end of Document for details)

F11

“member”, in relation to a vocational organisation, includes (except in section 21) a person seeking to become a member and a person who has ceased to be a member, and in relation to such an organisation (other than an organisation of workers or employers) also includes any person belonging to a class of person recognised by the organisation as having any particular status in connection with an employment or occupation for the purposes of which the organisation exists, including students and associates, and “membership” shall be construed accordingly.

“Northern Ireland” includes such of the territorial waters of the United Kingdom as are adjacent to Northern Ireland;

“notice” means a notice in writing;

“occupation” includes any trade, business, profession or vocation, but not any employment;

“occupation in Northern Ireland” shall be construed in accordance with section 49;

“organisation” includes any society or association whether corporate or unincorporate;

F11

“practices” includes procedures and arrangements;

“proper officer”, in relation to any body corporate or unincorporate, means the secretary or other executive officer charged with the conduct of the general affairs of the body;

“qualification” includes authorisation, recognition, registration, enrolment, approval and certification;

F11

“the respondent”, in relation to a complaint, has the meaning given by section 24(1);

F11

“school” has the same meaning as in the ^{M2}Education and Libraries (Northern Ireland) Order [^{F12}1986];

“the Standing Advisory Commission on Human Rights” means the commission constituted by that name under section 20 of the ^{M3}Northern Ireland Constitution Act 1973;

“statutory body” means a body set up by or in pursuance of an enactment, and “statutory office” means an office so set up;

“training” includes any form of education or instruction, except that in [^{F13}section 22 of this Act and sections 11(1)(e) and 20(4)(b)(ii) of the Fair Employment (Northern Ireland) Act 1989] it does not include [^{F14}education provided by]—

- (a) a school, or
- (b) an institution of further education within the meaning of the Education and Libraries (Northern Ireland) Order [^{F15}1986] or an institution in respect of which contributions are paid by an Education and Library Board under [^{F16}Article 100(8) of the Education Reform (Northern Ireland) Order 1989], or
- (c) [^{F17}a college of education within the meaning of that Order;]
- (d) ^{F18}
- (e) a university;

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Section 57. (See end of Document for details)

[^{F19}“the Tribunal” means the Fair Employment Tribunal for Northern Ireland;]

“unlawful discrimination” shall be construed in accordance with section 16(5);

“vocational organisation” means—

- (a) an organisation of workers, or
- (b) an organisation of employers, or
- (c) any other organisation of persons engaged in a particular employment or occupation, or employments or occupations of any class, for the purposes of which the organisation exists.

(2) In this Act references to a person’s religious belief or political opinion include references to his supposed religious belief or political opinion and to the absence or supposed absence of any, or any particular, religious belief or political opinion.

(3) In this Act any reference to a person’s political opinion does not include an opinion which consists of or includes approval or acceptance of the use of violence for political ends connected with Northern Irish affairs (including the use of violence for the purpose of putting the public or any section of the public in fear).

(4) ^{F20}

(5) For the purposes of this Act a person is seeking employment if he is available for employment, whether or not he is aware of the existence of an opportunity for any particular employment.

(6) References in this Act to submitting a person for consideration for employment include references to making available to an employer in any way relevant particulars relating to him.

(7) References in this Act to the affording by any person of access to benefits are not limited to benefits provided by him alone, but include any means by which it is in his power to facilitate access to benefits provided by others.

(8) Without prejudice to any provision of section 49 or any order under subsection (3) of that section and subject to any other provision of this Act which is limited by its express terms to acts done in Northern Ireland, references (however expressed) in this Act to acts done or to power to do any acts, other than references to acts which may be the subject of criminal proceedings under this Act, include references to acts done or power to do the acts outside Northern Ireland; and references to a contract include references to a contract the proper law of which is not the law of Northern Ireland.

(9) ^{F20}

(11) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

(12) In this Act, except where otherwise indicated,—

- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered, and
- (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Section 57. (See end of Document for details)

- (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered, and
- (d) a reference in a paragraph of a section, subsection or Schedule to a numbered sub-paragraph is a reference to the sub-paragraph of that paragraph so numbered.

Textual Amendments

- F1** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(a)**
- F2** Definitions repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F3** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(b)**
- F4** Definition repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F5** Words repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**
- F6** Word “Tribunal” substituted for word “Agency” by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), 60(2), **Sch. 2 para. 21(c)** (coming into force 1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**)
- F7** Definition repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**) by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**
- F8** Definition repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F9** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(d)**
- F10** Definitions repealed (1.1.1990 but not so as to apply for the purposes of any complaint or act to which s. 50(2) of the Fair Employment (Northern Ireland) Act 1989 applies: S.I. 1989/1928, **art. 2(4)**) by Fair Employment (Northern Ireland) Act 1989 (c.32, SIF 43:1), ss. 59(2), 60(2), **Sch. 3**
- F11** Definitions repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**
- F12** Words substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F13** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), **Sch. 2 para. 21(e)(i)**
- F14** Words substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), ss. 59(1), **Sch. 2 para. 21(e)(ii)**
- F15** Words substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F16** Words substituted by virtue of S.I. 1986/594 (N.I. 3), **art. 132(2)**, Sch. 18 and S.I. 1989/2406 (N.I. 20), art. 166, **Sch. 9**
- F17** Paragraph (c) substituted by S.I. 1986/594 (N.I. 3), art. 132(2), **Sch. 18**
- F18** Sub-para. (d) repealed by S.I. 1984/1167 (N.I. 10), art. 6(3), **Sch. 2**
- F19** Definition inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(1), **Sch. 2 para. 21(f)**
- F20** S. 57(4)(9)(10) repealed by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 59(2), **Sch. 3**

Modifications etc. (not altering text)

- C1** S. 57 applied (4.8.1997) by S.I. 1997/869 (N.I. 6), **art. 5(5)**; S.R. 1997/273, **art. 2(4)**

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Section 57. (See end of Document for details)

Marginal Citations

M1 1972 c. 22.

M2 S.I. 1986/1263 (N.I. 12)

M3 1973 c. 36.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Section 57.