



Fair Employment (Northern Ireland) Act 1989 (repealed 1.3.1999)

1989 CHAPTER 32

PART II

NEW DUTIES OF EMPLOYERS IN RESPECT OF THEIR WORKFORCES

General

47 Interpretation of Part II.

(1) In this Part of this Act—

“employee” means—

- (a) an individual employed under a contract of service or of apprenticeship, other than a contract which normally involves employment for less than sixteen hours weekly, or
- (b) an individual employed under a contract personally to execute any work or labour,

and includes a person in the service of the Crown, but only to the extent provided by section 26 of this Act; and “employment” and “employed” shall be interpreted accordingly,

“employer”, in relation to a concern, means the person entitled to the benefit of the contracts of those employed in the concern and includes a public authority, but only to the extent provided by section 26 of this Act,

“register” means the register kept under section 22 of this Act,

“registered concern” means a concern a description of which is for the time being included in the register; but where, by reason of a disposal of a part of a registered concern, there has been a change of employer in relation to that part, that part is not to be treated as a registered concern unless registered since the disposal, and

“week” means a week ending on a Saturday.

Status: Point in time view as at 24/09/1996. This version of this provision has been superseded.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to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1989 (repealed 1.3.1999), Section 47. (See end of Document for details)

- (2) The Department may by order amend the definition of “employee” in subsection (1) above by substituting for the number of hours for the time being specified in paragraph (a) such other number as is specified in the order.
- (3) For the purposes of this Part of this Act—
- (a) where people are employed by a body corporate, references to the name of the employer are to the name of the body and of its secretary and references to the address of the employer are to the address of the body’s registered or principal office, or its principal office in Northern Ireland,
 - (b) where people are employed by the members of a partnership, references to the employer are to the firm and references to the employer’s address are to the principal office of the partnership, or its principal office in Northern Ireland, but each member of the partnership may exercise any function, under or by virtue of this Part of this Act, of the employer,
 - (c) where people are employed by any other body, references to the employer are to the secretary or other executive officer charged with the conduct of the general affairs of the body.
- (4) For the purposes of this Part of this Act—
- (a) bodies corporate are associated if they are members of the same group, and for this purpose any two bodies corporate are to be treated as members of the same group if one of them is a body corporate of which the other is a subsidiary (within the meaning of Article 4 of the ^{M1}Companies (Northern Ireland) Order 1986) or if both of them are subsidiaries (within the meaning of that Article) of one and the same body corporate,
 - (b) a body corporate (call it “A”) is controlled by a person (call him “B”) if B has the power to secure, by means of the holding of shares or the possession of voting power in or in relation to A or any other body corporate, or by virtue of any powers conferred by the articles of association or other document regulating A or any other body corporate, that the affairs of A are conducted in accordance with the wishes of B,
 - (c) a person is connected with an individual if that person is the individual’s wife or husband, or is a relative, or the wife or husband of a relative, of the individual or of the individual’s wife or husband, and for this purpose “relative” means brother, sister, ancestor or lineal descendant, and
 - (d) a person is connected with a body corporate if he is a director or officer of that body.
- (5) In this Part of this Act the following expressions have the same meaning as in the ^{M2}Fair Employment (Northern Ireland) Act 1976—
- “contract”,
 - “the Department”,
 - “employment in Northern Ireland”,
 - “Northern Ireland”,
 - “notice”, and
 - “practices”.
- (6) [^{F1}Article 5 of the Employment Rights (Northern Ireland) Order 1996] (normal working hours) shall have effect to determine the normal working hours for the purposes of the definition of employee in subsection (1) above.

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- (7) References in this Part of this Act to the Crown are to the Crown in right of the Government of the United Kingdom and in right of the Government of Northern Ireland.
- (8) References in this Part of this Act to a person in the service of the Crown do not include the holder of any office in Schedule 2 to the ^{M3}House of Commons Disqualification Act 1975 (Ministerial offices) as for the time being in force.

Textual Amendments

F1 Words in s. 47(6) substituted (24.9.1996) by S.I. 1996/1919 (N.I. 16), art. 255, **Sch. 1** (with Sch. 2)

Marginal Citations

M1 S.I. 1986/1032 (N.I.6).

M2 1976 c. 25.

M3 1975 c. 24.

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