STATUTORY RULES OF NORTHERN IRELAND

1999 No. 82

FAIR EMPLOYMENT

Fair Employment and Treatment (1998 Order) (Saving and Transitional Provisions) Order (Northern Ireland) 1999

Made - - - - 22nd February 1999

Coming into operation 1st March 1999

The Department(**1**), in exercise of the powers conferred on it by Article 105(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998(**2**), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order maybe cited as the Fair Employment and Treatment(1998 Order) (Saving and Transitional Provisions) Order (Northern Ireland) 1999 and shall come into operation on 1st March 1999.

Interpretation

2. In this Order—

"the Act" means the Fair Employment Act (Northern Ireland) 1989(**3**);

"the Order" means the Fair Employment and Treatment (Northern Ireland) Order 1998;

"the Commencement Order" means the Fair Employment and Treatment (1998 Order) (Commencement No. 1) Order (Northern Ireland) Order 1999(**4**); and

"the Monitoring Regulations" means the Fair Employment (Monitoring Regulations) (Northern Ireland) 1989(**5**).

Transitional provisions

3. The Orders specified in Schedule 1 shall continue to have effect as if they were made under and for the purposes of Articles 50(1) and (2) and 51(2) of the Order and accordingly—

(**1**) See S.I. 1998/3162 (N.I. 21), Article 2(2)
(**2**) S.I. 1998/3162 (N.I. 21)
(**3**) 1989 c. 32 as amended by S.I. 1991/1713 (N.I. 18)
(**4**) S.R. 1999 No. 81 (C. 10)
(**5**) S.R. 1989 No. 436 as amended by S.R. 1991 No. 324

(a) any reference in those Orders to sections 27 to 37 of the Act shall be construed as a reference to Articles 52 to 61 of the Order;

(b) any reference in those Orders to sections 27 to 42 of the Act shall be construed as a reference to Articles 52 to 65 and 90(1)(c) of the Order; and

(c) any reference in those Orders to sections 38 to 42 of the Act shall be construed as a reference to Articles 62 to 65 and 90(1)(c) of the Order.

The Monitoring Regulations

4.—(1) The Monitoring Regulations shall continue to have effect as if they were made under Articles 2(2), 52(10), 53 and 54 of the Order and as if any reference in those Regulations—

(a) to any registered concern to which section 27(3) of the Act applied were a reference to a registered concern which was a public authority for the purposes of Article 52 of the Order;

(b) to any registered concern to which section 27(4) of the Act applied were a reference to a registered concern to which Article 2(2)(b) of the Commencement Order applied;

(c) to Part II of the Act were a reference to Part VII of the Order;

(d) to section 27(1) of the Act were a reference to Article 52(1) of the Order; and

(e) to sections 27 to 37 of the Act were a reference to Articles 52 to 61 of the Order.

(2) Without prejudice to the generality of paragraph (1)—

(a) regulation 6(2) of the Monitoring Regulations shall, insofar as it prescribes a period for the purposes of section 27(4) of the Act, continue to have effect for the purpose of prescribing a period for the purposes of Article 2(2)(b) of the Commencement Order; and

(b) regulation 16(1) of the Monitoring Regulations shall have effect as if the concern mentioned in sub-paragraph (a) were any registered concern and the concern mentioned in sub-paragraph (b) were any concern to which Article 2(2) of the Commencement Order does not apply.

Other saving and transitional provisions

5.—(1) Without prejudice to Articles 3 and 4, sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to the repeal of the Fair Employment (Northern Ireland) Act 1976 and the Fair Employment (Northern Ireland) Act 1989 ("the Acts") by the Order as if those Acts were enactments within the meaning of that Act.

(2) Without prejudice to paragraph (1)—

(a) any statutory provision or statutory document made, issued, granted or otherwise done under any provision of the Acts shall, insofar as they are in force immediately before the coming into operation of this Order and are not inconsistent with the Order, have effect as if made, issued or granted under the provision of the Order which corresponds to the provision of the Acts;

(b) any reference in any statutory provision or statutory document to any provision of the Acts shall, insofar as it is not inconsistent therewith, be construed as a reference to the provision of the Order which corresponds to the provision of the Acts; and

(c) any proceedings taken under any provision of the Acts shall, insofar as they are not inconsistent therewith, shall be continued under the provision of the Order which corresponds to the provision of the Acts.