1989 No. 475

FAIR EMPLOYMENT

Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989

Made . . . . . *7th December 1989*

Coming into operation . . *1st January 1990*

Whereas, in accordance with section 25(3) of the Fair Employment (Northern Ireland) Act 1989(**a**) (''the Act of 1989''), each person who, by virtue of the following Order, becomes a public authority for any of the purposes of sections 27 to 42 of that Act is—

(1) a Minister of the Crown or the head of a Northern Ireland department;

(2) a body created by a statutory provision, within the meaning of the Interpretation Act (Northern Ireland) 1954(**b**), or the holder of any office so created; or

(3) a person appearing to the Department of Economic Development (''the Department'')(**c**) to exercise functions of a public nature;

And whereas, in accordance with section 26(4) of the Act of 1989, it appears to the Department that some or all of the people who are employed by each person, who by virtue of the following Order becomes an employer for the purposes of sections 27 to 37 of that Act, who are in the service of the Crown for the purposes of the functions of those persons or who are treated by virtue of the following Order as so employed or as in such service, are employed or serve in Northern Ireland;

Now, therefore, the Department in exercise of the powers conferred on it by sections 25(1) and (2) and 26(2) of the Act of 1989 and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Fair Employment (Specification of Public Authorities) Order (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

(**a**) 1989 c. 32

(**b**) 1954 c. 33 (N.I.)

(**c**) *see* section 47(5) of the Act of 1989 as read with section 57(1) of the Fair Employment (Northern Ireland) Act 1976 (c. 25); the Department of Manpower Services was renamed the Department of Economic Development by S.I. 1982/846 (N.I. 11) Article 3

(2) Expressions used in this Order which are also used in Part II of the Act of 1989 shall, unless the contrary intention appears, have the same meaning as in that Part.

(3) In this Order—

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

"Northern Ireland civil servant" means any person serving wholly or mainly in Northern Ireland in the civil service of the Crown and whose remuneration is paid out of moneys appropriated by a transferred provision or the consolidated fund, other than a person whose service normally involves less than sixteen hours weekly;

"reserve force" means a reserve force within the meaning of section 10(4) of the Reserve Forces Act 1980(**a**);

"reservist" means any member of the Ulster Defence Regiment, or of any Reserve Force, who serves wholly or mainly in Northern Ireland, other than a person whose service normally involves less than sixteen hours weekly;

"transferred provision" has the meaning assigned to it by section 1(*g*) of the Interpretation Act (Northern Ireland) 1954; and

"United Kingdom civil servant" means any person serving wholly or mainly in Northern Ireland in the civil service of the Crown other than—

(*a*) a person whose service normally involves less than sixteen hours weekly; or

(*b*) a Northern Ireland civil servant.

Specification of public authorities

3. For the purposes of sections 27 to 37 of the Act of 1989:—

(*a*) the head of the Department of Finance and Personnel shall be a public authority and all Northern Ireland civil servants shall be treated as employees of that authority;

(*b*) the Minister for the Civil Service shall be a public authority and all United Kingdom civil servants shall be treated as employees of that authority;

(*c*) the Secretary of State for Defence shall be a public authority and all reservists shall be treated as employees of that authority.

4. Each of the persons specified in Part I of the Schedule shall be a public authority for the purposes of sections 27 to 42 of the Act of 1989.

5. Each of the persons specified in Part II of the Schedule shall be a public authority for the purposes of sections 38 to 42 of the Act of 1989.

(a) 1980 c. 9

Sealed with the Official Seal of the Department of Economic Development on 7th December 1989.

(L.S.) *P. Simpson*
Assistant Secretary