1989 No. 447

FAIR EMPLOYMENT

The Fair Employment (Questions and Replies) Regulations (Northern Ireland) 1989

Made . . . . . *23rd November 1989*

Coming into operation . . *1st January 1990*

The Department of Economic Development(**a**), in exercise of the powers conferred on it by section 28(1) and (3) of the Fair Employment (Northern Ireland) Act 1976(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fair Employment (Questions and Replies) Regulations (Northern Ireland) 1989 and shall come into operation on 1st January 1990.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**), except section 24 (service of documents), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations "the Act of 1976" means the Fair Employment (Northern Ireland) Act 1976.

(3) In these Regulations expressions which are also used in the Act of 1976 shall, unless the contrary intention appears, have the same meaning as in that Act.

Forms for asking and answering questions

3. The forms respectively set out in Schedules 1 and 2 are, respectively, hereby prescribed pursuant to section 28(1) of the Act of 1976 as forms—

(*a*) by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant;

(*b*) by which the respondent may if he so wishes reply to such questions.

Period for service of questions

4. A question shall only be admissible as evidence in pursuance of section 28(2)(*a*) of the Act of 1976 in proceedings before the Tribunal—

(**a**) Formerly the Department of Manpower Services; *see* S.I. 1982/846 (N.I. 11) Article 3
(**b**) 1976 c. 25 as inserted by section 50 of the Fair Employment (Northern Ireland) Act 1989 (1989 c. 32)
(**c**) 1954 c. 33 (N.I.)

(*a*) where it was served before an originating application had been presented to the Tribunal, if it was so served before the end of the period of three months beginning with the day on which the person aggrieved first had knowledge or might reasonably be expected first to have had knowledge, of the act complained of, or before the end of the period of six months beginning with the day on which the act was done, whichever is the earlier;

(*b*) where it was served when an originating application had been presented to the Tribunal, if it was so served within the period of twenty-one days beginning with the day on which the originating application was presented.

Manner of service of questions and replies

5. A question and any reply thereto may be served on the respondent or, as the case may be, on the person aggrieved—

(*a*) by delivering it to him; or

(*b*) by sending it by post to him at his usual or last known residence or place of business; or

(*c*) where the person to be served is a body corporate or is a trade union or employers' association within the meaning of the Industrial Relations (Northern Ireland) Order 1976(**a**), by delivering it to the secretary or clerk of the body, union or association at its registered or principal office or by sending it by post to the secretary or clerk at that office; or

(*d*) where the person to be served is acting by a solicitor, by delivering it at, or by sending it by post to, the solicitor's address for service; or

(*e*) where the person to be served is the person aggrieved, by delivering the reply, or sending it by post, to him at his address for reply as stated by him in the document containing the questions.

Sealed with the Official Seal of the Department of Economic Development on 23rd November 1989.

(L.S.) *Robert J. Minnis*
Assistant Secretary

(**a**) S.I. 1976/1043 (N.I. 16)