
STATUTORY INSTRUMENTS

1997 No. 869

The Race Relations (Northern Ireland) Order 1997

PART VI

GENERAL EXCEPTIONS FROM PARTS II TO IV

Special needs of racial groups in regard to education, training or welfare

35. Nothing in Parts II to IV shall render unlawful any act done in affording persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits.

Provision of education or training for persons not ordinarily resident in Northern Ireland

36. Nothing in Parts II to IV shall render unlawful any act done by a person for the benefit of persons not ordinarily resident in Northern Ireland in affording them access to facilities for education or training or any ancillary benefits, where it appears to him that the persons in question do not intend to remain in Northern Ireland after their period of education or training there.

Discriminatory training etc.

37.—(1) Nothing in Parts II to IV shall render unlawful any act done in relation to particular work by any person in or in connection with—

- (a) affording only persons of a particular racial group access to facilities for training which would help to fit them for that work; or
- (b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work,

where it reasonably appears to that person that at any time within the 12 months immediately preceding the doing of the act—

- (i) there were no persons of that group among those doing that work in Northern Ireland; or
- (ii) the proportion of persons of that group among those doing that work in Northern Ireland was small in comparison with the proportion of persons of that group among the population of Northern Ireland.

(2) Where in relation to particular work it reasonably appears to any person that although the condition for the operation of paragraph (1) is not met for the whole of Northern Ireland it is met for an area within Northern Ireland, nothing in Parts II to IV shall render unlawful any act done by that person in or in connection with—

- (a) affording persons who are of the racial group in question, and who appear likely to take up that work in that area, access to facilities for training which would help to fit them for that work; or
- (b) encouraging persons of that group to take advantage of opportunities in the area for doing that work.

(3) Paragraphs (1) and (2) do not apply to any discrimination which is rendered unlawful by Article 6(1) or (2).

(4) Nothing in Parts II to IV shall render unlawful any act done by an employer in relation to particular work in his employment at a particular establishment in Northern Ireland, being an act done in or in connection with—

- (a) affording only those of his employees working at that establishment who are of a particular racial group access to facilities for training which would help to fit them for that work; or
- (b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work at that establishment,

where any of the conditions in paragraph (5) was satisfied at any time within the 12 months immediately preceding the doing of the act.

(5) Those conditions are—

- (a) that there are no persons of the racial group in question among those doing that work at that establishment; or
- (b) that the proportion of persons of that group among those doing that work at that establishment is small in comparison with the proportion of persons of that group—
 - (i) among all those employed by that employer there; or
 - (ii) among the population of the area from which that employer normally recruits persons for work in his employment at that establishment.

(6) Nothing in Article 13 shall render unlawful any act done by an organisation to which that Article applies in or in connection with—

- (a) affording only members of the organisation who are of a particular racial group access to facilities for training which would help to fit them for holding a post of any kind in the organisation; or
- (b) encouraging only members of the organisation who are of a particular racial group to take advantage of opportunities for holding such posts in the organisation,

where either of the conditions in paragraph (7) was satisfied at any time within 12 months immediately preceding the doing of the act.

(7) Those conditions are—

- (a) that there are no persons of the racial group in question among persons holding such posts in that organisation; or
- (b) that the proportion of persons of that group among those holding such posts in that organisation is small in comparison with the proportion of persons of that group among the members of the organisation.

(8) Nothing in Parts II to IV shall render unlawful any act done by an organisation to which Article 13 applies in or in connection with encouraging only persons of a particular racial group to become members of the organisation where at any time within the 12 months immediately preceding the doing of the act—

- (a) no persons of that group were members of the organisation; or
- (b) the proportion of persons of that group among members of the organisation was small in comparison with the proportion of persons of that group among those eligible for membership of the organisation.

(9) Article 10 (meaning of employment at establishment in Northern Ireland) shall apply for the purposes of this Article as if this Article were contained in Part II.

Sports and competitions

38. Nothing in Parts II to IV shall render unlawful any act whereby a person discriminates against another on the basis of that other's nationality or place of birth or the length of time for which he has been resident in a particular area or place, if the act is done—

- (a) in selecting one or more persons to represent a country, place or area, or any related association, in any sport or game; or
- (b) in pursuance of the rules of any competition so far as they relate to eligibility to compete in any sport or game.

Indirect access to benefits etc.

39.—(1) References in this Order to the affording by any person of access to benefits, facilities or services are not limited to benefits, facilities or services provided by that person himself, but include any means by which it is in that person's power to facilitate access to benefits, facilities or services provided by any other person (the "actual provider").

(2) Where by any provision of this Order the affording by any person of access to benefits, facilities or services in a discriminatory way is in certain circumstances prevented from being unlawful, the effect of the provision shall extend also to the liability under this Order of any actual provider.

Acts done under statutory authority etc.

40.—(1) Nothing in Parts II to IV shall render unlawful any act of discrimination done—

- (a) in pursuance of any statutory provision; or
- (b) in order to comply with any condition or requirement imposed by a Minister of the Crown or government department by virtue of any statutory provision.

(2) Nothing in Parts II to IV shall render unlawful any act whereby a person discriminates against another on the basis of that other's nationality or place of ordinary residence or the length of time for which he has been present or resident in or outside the United Kingdom or an area within the United Kingdom, if that act is done—

- (a) in pursuance of any arrangement made by or with the approval of, or for the time being approved by, a Minister of the Crown or government department; or
- (b) in order to comply with any condition imposed by a Minister of the Crown or government department.

(3) This Article applies whether the statutory provision, condition, requirement or arrangement in question was passed, made or imposed (as the case may be) before or after the making of this Order.

Acts safeguarding national security

41. Nothing in Parts II to IV shall render unlawful an act done for the purpose of safeguarding national security or of protecting public safety or public order.