

Northern Ireland Act 1998 c. 47

s. 75 Statutory duty on public authorities.



Law In Force

Version 9 of 9

1 December 2023 - Present

Subjects

Constitutional law; Human rights

Keywords

Equal Opportunities Commission; Northern Ireland; Public authorities; Statutory duties

75.— Statutory duty on public authorities.

(1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—

- (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- (b) between men and women generally;
- (c) between persons with a disability and persons without; and
- (d) between persons with dependants and persons without.

(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

(3) In this section “*public authority*” means—

- (a) any department, corporation or body listed in [Schedule 2](#) to the [Parliamentary Commissioner Act 1967](#) (departments, corporations and bodies subject to investigation) and designated for the purposes of this section by order made by the Secretary of State;

[

- (b) any authority (other than the Equality Commission, the board of governors of a grant-aided school, the Comptroller and Auditor General, a general health care provider or an independent provider of health and social care) listed in [Schedule 3](#) to the [Public Services Ombudsman Act \(Northern Ireland\) 2016](#) (listed authorities);

] ¹ [

- (ba) the Independent Commission for Reconciliation and Information Recovery;

] ² [

- (cc) [...] ⁴ the Chief Constable of the Police Service of Northern Ireland and the Police Ombudsman for Northern Ireland;

] ³ [

- (cd) the Director of Public Prosecutions for Northern Ireland;

] ⁵ [...] ⁶

(d) any other person designated for the purposes of this section by order made by the Secretary of State.

[

(3A) An order under subsection (3)(a) or (d) may provide that the designated department, corporation, body or other person—

(a) is not subject to, or is only subject to, specified obligations under subsection (1) or (2), or

(b) is not subject to, or is only subject to, specified obligations under subsection (1) or (2)—

(i) when exercising a specified function, or

(ii) when exercising a specified function in specified circumstances or for specified purposes.

(3B) In subsection (3A) “*specified*” means specified in the order.

] ⁷

(4) [Schedule 9](#) (which makes provision for the enforcement of the duties under this section) shall have effect.

[

(4A) The references in subsections (1) and (2) and [Schedule 9](#) to the functions of the Director of Public Prosecutions for Northern Ireland do not include any of his functions relating to the prosecution of offences [or any of the functions conferred on him by, or in relation to, [Part 5](#) or [8](#) of the [Proceeds of Crime Act 2002 \(c. 29\)](#) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations)] ⁹.

] ⁸

(5) In this section—

“*disability*” has the same meaning as in the [Disability Discrimination Act 1995](#); and

“*racial group*” has the same meaning as in the [Race Relations \(Northern Ireland\) Order 1997](#).

Notes

- 1 S.75(3)(b) substituted for s.75(3)(b) and (c) by Public Services Ombudsman Act (Northern Ireland) 2016 c. 4 [Sch.8 para.5](#) (April 1, 2016)
- 2 Added by Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 c. 41 [Sch.13\(1\) para.2\(2\)](#) (December 1, 2023: insertion has effect as SSI 2024/584 reg.2(bb) subject to transitional provisions specified in SI 2024/584 regs 3 and 4)
- 3 Added by Police (Northern Ireland) Act 2000 c. 32 [Sch.6 para.24\(2\)](#) (November 4, 2001: as SR 2001/396)
- 4 Words repealed by Public Services Ombudsman Act (Northern Ireland) 2016 c. 4 [Sch.9 para.1](#) (April 1, 2016 as specified in 2016 c.4 (N.I.) s.64(1))
- 5 Added by Justice (Northern Ireland) Act 2002 c. 26 [Pt 2 s.38\(2\)](#) (June 1, 2006)
- 6 Repealed by Public Services Ombudsman Act (Northern Ireland) 2016 c. 4 [Sch.9 para.1](#) (April 1, 2016 as specified in 2016 c.4 (N.I.) s.64(1))
- 7 Added by Northern Ireland (Miscellaneous Provisions) Act 2014 c. 13 [s.22\(1\)](#) (March 13, 2014)
- 8 Added by Justice (Northern Ireland) Act 2002 c. 26 [Pt 2 s.38\(3\)](#) (June 1, 2006)

Notes

- 9 Words inserted by Serious Crime Act 2007 c. 27 [Sch.8\(7\)](#) [para.158\(1\)](#) (April 1, 2008 subject to transitional and transitory provisions and savings as specified in SI 2008/755 arts 3-14)
-

*Part VII HUMAN RIGHTS AND EQUAL OPPORTUNITIES >
Equality of opportunity > s. 75 Statutory duty on public authorities.*

Contains public sector information licensed under the Open Government Licence v3.0.