
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 55

**The Disability Discrimination Act 1995
(Amendment) Regulations (Northern Ireland) 2004**

PART II

AMENDMENTS TO THE ACT

Enforcement of sections 16B and 16C; validity of contracts, collective agreements and rules of undertakings

16.—(1) After section 17A (enforcement), the former section 8 moved, renumbered and amended by regulation 9, insert the following sections –

“Enforcement of sections 16B and 16C

17B.—(1) Only the Commission may bring proceedings in respect of a contravention of section 16B (discriminatory advertisements) or section 16C (instructions and pressure to discriminate).

(2) The Commission shall bring any such proceedings in accordance with subsection (3) or (4).

(3) The Commission may present to an industrial tribunal a complaint that a person has done an act which is unlawful under section 16B or 16C; and if the tribunal finds that the complaint is well-founded it shall make a declaration to that effect.

(4) Where –

- (a) a tribunal has made a finding pursuant to subsection (3) that a person has done an act which is unlawful under section 16B or 16C,
- (b) that finding has become final, and
- (c) it appears to the Commission that, unless restrained, he is likely to do a further act which is unlawful under that section,

the Commission may apply to a county court for an injunction restraining him from doing such an act; and the court, if satisfied that the application is well-founded, may grant the injunction in the terms applied for or in more limited terms.

(5) A finding of a tribunal under subsection (3) in respect of any act shall, if it has become final, be treated as conclusive by a county court upon an application under subsection (4).

(6) A finding of a tribunal becomes final for the purposes of this section when an appeal against it is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought.

(7) An industrial tribunal shall not consider a complaint under subsection (3) unless it is presented before the end of the period of six months beginning when the act to which it relates

was done; and a county court shall not consider an application under subsection (4) unless it is made before the end of the period of five years so beginning.

(8) A court or tribunal may consider any such complaint or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(9) The provisions of paragraph 3(3) and (4) of Schedule 3 apply for the purposes of subsection (7) as they apply for the purposes of paragraph 3(1) of that Schedule.

(10) In this section “the Commission” means the Equality Commission for Northern Ireland.

Validity of contracts, collective agreements and rules of undertakings

17C. Schedule 3A shall have effect.”.

(2) After Schedule 3, insert the Schedule set out in the Schedule to these Regulations.