
STATUTORY INSTRUMENTS

1998 No. 3162

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

PART II

FUNCTIONS OF THE EQUALITY COMMISSION

Appeals and legal proceedings in relation to undertakings and directions

Order of Tribunal to enforce undertaking or directions

16.—(1) Where—

- (a) an undertaking to take action for promoting equality of opportunity—
 - (i) which has been given to the Commission under Article 12(2) or 13 and has not been superseded by directions given by the Commission; or
 - (ii) which has been given to the Commission under Article 14(4),has not been complied with within such period as the Commission considers reasonable;
- (b) directions given by the Commission or substituted by the Tribunal under Article 15 for directions given by the Commission have not been complied with within such period as the Commission considers reasonable; or
- (c) steps have not been taken to the Commission's satisfaction within such period as the Commission considers reasonable to comply with the undertaking or directions,

the Commission may, subject to paragraph (2), make an application to the Tribunal under this Article for enforcement of the undertaking or directions.

(2) An application for the enforcement of directions shall not be made—

- (a) until the end of the period of 21 days within which an appeal may be brought to the Tribunal under Article 15; or
- (b) if such an appeal is brought, until—
 - (i) the appeal is abandoned; or
 - (ii) the appeal is determined and the period within which notice of an appeal to the Court of Appeal under Article 90 may be given has expired; or
- (c) if notice of an appeal to the Court of Appeal under that Article is given within that period, until the appeal is abandoned or determined.

(3) On an application under paragraph (1) the Tribunal—

- (a) may make such order as it thinks fit for the purpose of giving effect to the undertaking or directions; and
- (b) whether or not it makes such an order, may order that the whole or part of the undertaking or directions shall cease to have effect.

- (4) An order under paragraph (3)(a)—
 - (a) shall specify the steps to be taken by the person by whom the undertaking was given or to whom the directions were given;
 - (b) may specify the time within which each step is to be taken; and
 - (c) may require a specified person to attend before the Tribunal at a specified time to report to the Tribunal on the extent to which those steps have been taken.
- (5) The terms of an order under paragraph (3)(a) (except so far as it requires attendance before the Tribunal) shall be such as, in the opinion of the Tribunal, are not substantially more onerous than the terms of the undertaking or directions.
- (6) An order under paragraph (3)(a) shall not require any person—
 - (a) to apply a requirement or condition described in paragraph (1) of Article 75; or
 - (b) to do any act described in Article 76(1).
- (7) The Commission—
 - (a) is entitled to appear and be heard when a person attends before the Tribunal in pursuance of an order under paragraph (3)(a); and
 - (b) may itself apply to the Tribunal for the enforcement of such an order.
- (8) Subject to paragraphs (5) and (6), the Tribunal may at any time revoke or vary the terms of an order under paragraph (3)—
 - (a) on an application by the Commission or by the person in relation to whom the order was made; or
 - (b) where a person attends before the Tribunal in pursuance of an order under paragraph (3) (a) or on an application by the Commission under paragraph (7)(b).