

Status: Point in time view as at 08/11/1995. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 3

ENFORCEMENT AND PROCEDURE

Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

PART I

EMPLOYMENT

Conciliation

- ^{F1} (1) Where a complaint is presented to an industrial tribunal under section 8 and a copy of it is sent to a conciliation officer, he shall—
- (a) if requested to do so by the complainant and respondent, or
 - (b) if he considers that he has a reasonable prospect of success,
- try to promote a settlement of the complaint without its being determined by an industrial tribunal.
- (2) Where a person is contemplating presenting such a complaint, a conciliation officer shall, if asked to do so by the potential complainant or potential respondent, try to promote a settlement.
- (3) The conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
- (4) Anything communicated to a conciliation officer in a case in which he is acting under this paragraph shall not be admissible in evidence in any proceedings before an industrial tribunal except with the consent of the person who communicated it.

Textual Amendments

- F1** Sch. 3 para. 1 repealed (E.W.S.) (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

- 1 (1) Where a complaint is presented to an industrial tribunal under section 8 and a copy of it is sent to a conciliation officer, he shall—
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- (2) Where a person is contemplating presenting such a complaint, a conciliation officer shall, if asked to do so by the potential complainant or potential respondent, try to promote a settlement.
- (3) The conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
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VALID FROM 02/12/1996

Restriction on proceedings for breach of Part II

- 2 (1) Except as provided by section 8, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part II.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

VALID FROM 02/12/1996

Period within which proceedings must be brought

- 3 (1) An industrial tribunal shall not consider a complaint under section 8 unless it is presented before the end of the period of three months beginning when the act complained of was done.
- (2) A tribunal may consider any such complaint which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (3) For the purposes of sub-paragraph (1)—
 - (a) where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (4) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
 - (a) when he does an act inconsistent with doing the omitted act; or

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- (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

VALID FROM 02/12/1996

Evidence

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- (1) In any proceedings under section 8, a certificate signed by or on behalf of a Minister of the Crown and certifying—
 - (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, or
 - (b) that an act specified in the certificate was done for the purpose of safeguarding national security,shall be conclusive evidence of the matters certified.
 - (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

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