



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART VII

#### ENFORCEMENT

##### *Period within which proceedings to be brought*

#### **76 Period within which proceedings to be brought.**

- (1) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under section 63 unless it is presented to the tribunal before the end of [<sup>F2</sup>—
  - (a) the period of three months beginning when the act complained of was done; or
  - (b) in a case to which section 85(9A) applies, the period of six months so beginning.]
- (2) A county court or a sheriff court shall not consider a claim under section 66 unless proceedings in respect of the claim are instituted before the end of [<sup>F3</sup>(a) the period of six months beginning when the act complained of was done; or (b) in a case to which section 66(5) applies, the period of eight months so beginning.]
- [<sup>F4</sup>(3) An [<sup>F1</sup>employment tribunal], county court or sheriff court shall not consider an application under section 72(2)(a) unless it is made before the end of the period of six months beginning when the act to which it relates was done; and a county court or sheriff court shall not consider an application under section 72(4) unless it is made before the end of the period of five years so beginning.]
- (4) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under section 73(1) unless it is presented to the tribunal before the end of the period of six months beginning when the act complained of was done.
- (5) A court or tribunal may nevertheless consider any such complaint, claim 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.

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*Status: Point in time view as at 01/04/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Period within which proceedings to be brought. (See end of Document for details)*

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(6) For the purposes of this section—

- (a) where the inclusion of any term in a contract renders the making of the contract an unlawful act that act shall be treated as extending throughout the duration of the contract, and
- (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,

and in the absence of evidence establishing the contrary a person shall be taken for the purposes of this section to decide upon an omission when he does an act inconsistent with doing the omitted act or, 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.

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#### **Textual Amendments**

- F1** Words in s. 76(1)(3)(4) substituted (1.8.1998) by 1998 c. 8, s. 1; S.I. 1998/1658, art. 2, **Sch. 1** (with art. 3)
- F2** Words and s. 76(1)(a)(b) substituted for words in s. 76(1) (1.10.1997) by 1996 c. 46, s. 21(6); S.I. 1997/2164, **art. 2**
- F3** Words substituted by Race Relations Act 1976 (c. 74), **Sch. 4 para. 8(a)**
- F4** S. 76(3) substituted by Race Relations Act 1976 (c. 74), **Sch. 4 para. 8(b)**

**Status:**

Point in time view as at 01/04/2000.

**Changes to legislation:**

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Period within which proceedings to be brought.