



# Sex Discrimination Act 1975 (repealed)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>(2A) Where in England and Wales—

- (a) proceedings or prospective proceedings under section 66 relate to the act or omission of a qualifying institution, and
- (b) the dispute concerned is referred as a complaint under the student complaints scheme before the end of the period of six months mentioned in subsection (2) (a),

the period allowed by subsection (2)(a) shall be extended by [<sup>F5</sup>three months.]

(2B) In subsection (2A)—

“qualifying institution” has the meaning given by section 11 of the Higher Education Act 2004;

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*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Period within which proceedings to be brought.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

“the student complaints scheme” means a scheme for the review of qualifying complaints, as defined by section 12 of that Act, that is provided by the designated operator, as defined by section 13(5)(b) of that Act.]

[<sup>F6</sup>(2C) The period allowed by subsection (2)(a) or (b) shall be extended by three months in the case of a dispute which is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 (unless the period is extended under subsection (2A)).]

[<sup>F7</sup>(3) <sup>F8</sup>.....

(4) <sup>F8</sup>.....

(5) A court or tribunal may nevertheless consider any such [<sup>F9</sup>complaint or claim] which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(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.]

**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(2A)(2B) inserted (1.11.2004) by Higher Education Act 2004 (c. 8), ss. 19(1), 52; S.I. 2004/2781, **art. 3**
- F5** Words in s. 76(2A) substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 14(2)** (with s. 92); S.I. 2007/2603, **art. 2**
- F6** S. 76(2C) inserted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 14(3)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)
- F7** S. 76(3) substituted by Race Relations Act 1976 (c. 74), **Sch. 4 para. 8(b)**
- F8** S. 76(3)(4) repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 14(4), **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)
- F9** Words in s. 76(5) substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 14(5)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

**Status:**

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**Changes to legislation:**

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