



# Fair Employment (Northern Ireland) Act 1976

## 1976 CHAPTER 25

### PART VI

#### MISCELLANEOUS

##### *Supplementary provisions as to the county court*

#### **44 Jurisdiction as to acts done on ships, etc, 45. County court rules and orders**

Without prejudice to any jurisdiction exercisable by the county court by virtue of section 45 or any other enactment, the county court shall have jurisdiction to hear and determine an application, appeal or action under this Act with respect to an act done or to be done on a ship, aircraft or hovercraft outside the division for which the court sits, including such an act done or to be done outside Northern Ireland.

#### **45** County court rules and county court orders made under section 146 of the County Courts Act (Northern Ireland) 1959 may make such provision as appears to the authority having for the time being power to make those rules and orders to be necessary for regulating the practice and procedure of county courts in the exercise of the jurisdiction conferred by this Act, and (without prejudice to the generality of any power to make such rules or orders) those rules or orders may in particular provide for—

- (a) an application made under section 15 to be made to a county court sitting for the division in which the person concerned carried on business or, as the case may be, had an office at the time when the undertaking sought to be enforced was given or the notice containing the direction sought to be enforced was served ;
- (b) an appeal under section 28 or an action under section 30 to be brought in a county court sitting for the division in which the person alleged to have been injured by the act of unlawful discrimination is resident, or was resident at the time when the act was done ;

- (c) the service of process on persons outside Northern Ireland.

#### **46 Powers of county court as to injunctions**

- (1) For the purposes of an order under section 15(3), section 31(3) or section 36 the county court shall have the like jurisdiction as the High Court to grant any mandatory or other injunction.
- (2) Section 141(4) of the County Courts Act (Northern Ireland) 1959 (enforcement by committal) applies to the enforcement of an order made in exercise of the jurisdiction conferred by any of the provisions mentioned in subsection (1) in conjunction with this section.
- (3) Where an application is made for such an order (including an application in the course of an action under section 30) the court may make the order in the terms applied for or in more limited terms.

#### **47 Execution of order for damages or costs**

Where in an action under section 30 the county court, in exercise of the jurisdiction conferred on it by virtue of this Act, makes an order for the payment of a sum in respect of damages or costs, or both damages and costs, by a person who was domiciled in England and Wales or in Scotland at the time of the commencement of the action, that sum shall be recoverable under the Inferior Courts Judgments Extension Act 1882 notwithstanding that the whole cause of action had not arisen, or the obligation to which the order relates had not been due to be fulfilled, within the division for which the court sits, or that the civil bill commencing the action had not been served upon the defendant personally within that division; and section 9 of that Act (saving as to limits of local jurisdiction) shall not apply to such an order.

#### **48 Appeal from county court**

Without prejudice to section 2 of the County Court Appeals Act (Northern Ireland) 1964 (appeal to Court of Appeal in Northern Ireland on point of law) and section 7 of that Act (different modes of appeal to be exclusive), the Agency or the respondent, if dissatisfied with a decree of the county court in an action under section 30, may appeal from that decree, notwithstanding that damages have been claimed or awarded in excess of the amount that could have been claimed or awarded apart from section 31(4), as if the decree had been made in exercise of the jurisdiction conferred by Part III of the County Courts Act (Northern Ireland) 1959 and the appeal were brought under section 1 of that Act of 1964.