

Status: Point in time view as at 01/02/1991. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Estate Agents Act 1979, SCHEDULE 1 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 3(1).

PROVISIONS SUPPLEMENTARY TO SECTION 3(1)

Spent convictions

- 1 A conviction which is to be treated as spent for the purposes of the ^{M1}Rehabilitation of Offenders Act 1974 or any corresponding enactment for the time being in force in Northern Ireland shall be disregarded for the purposes of section 3(1)(a) of this Act.

Marginal Citations

M1 1974 c. 53.

Discrimination

- 2 A person shall be deemed to have committed discrimination for the purposes of section 3(1)(b) of this Act in the following cases only, namely—
- (a) where a finding of discrimination has been made against him in proceedings under section 66 of the ^{M2}Sex Discrimination Act 1975 (in this Schedule referred to as “the 1975 Act”) and the finding has become final;
 - (b) where a non-discrimination notice has been served on him under the 1975 Act and the notice has become final;
 - (c) if he is for the time being subject to the restraints of an injunction or order granted against him in proceedings under section 71 (persistent discrimination) or section 72(4) (enforcement of sections 38 to 40) of the 1975 Act;
 - (d) if, on an application under section 72(2)(a) of the 1975 Act, there has been a finding against him that a contravention of section 38, section 39 or section 40 of that Act has occurred and that finding has become final;
 - (e) where a finding of discrimination has been made against him in proceedings under section 57 of the ^{M3}Race Relations Act 1976 (in this Schedule referred to as “the 1976 Act”) and the finding has become final;
 - (f) where a non-discrimination notice has been served on him under the 1976 Act and the notice has become final;
 - (g) if he is for the time being subject to the restraints of an injunction or order granted against him in proceedings under section 62 (persistent discrimination) or section 63(4) (enforcement of sections 29 to 31) of the 1976 Act; or
 - (h) if, on an application under section 63(2)(a) of the 1976 Act, there has been a finding against him that a contravention of section 29, section 30 or section 31 of that Act has occurred and that finding has become final;

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and the finding, notice, injunction or order related or relates to discrimination falling within Part III of the 1975 Act or the 1976 Act (discrimination in fields other than employment).

Marginal Citations

M2 1975 c. 65.

M3 1976 c. 74.

- 3 After the expiry of the period of five years beginning on the day on which any such finding or notice as is referred to in paragraph 2 above became final, no person shall be treated for the purposes of section 3(1)(b) of this Act as having committed discrimination by reason only of that finding or notice.
- 4 (1) So far as paragraphs 2 and 3 above relate to findings and notices under the 1975 Act, subsections (1) and (4) of section 82 of that Act (general interpretation provisions) shall have effect as if those paragraphs were contained in that Act.
- (2) So far as paragraphs 2 and 3 above relate to findings and notices under the 1976 Act, subsections (1) and (4) of section 78 of that Act (general interpretation provisions) shall have effect as if those paragraphs were contained in that Act.
- 5 In the application of paragraphs 2 to 4 above to Northern Ireland references to the 1975 Act shall be construed as references to the ^{M4}Sex Discrimination (Northern Ireland) Order 1976, and in particular—
- (a) the references to sections 38, 39 and 40 of the 1975 Act shall be construed as references to Articles 39, 40 and 41 of that Order;
 - (b) the reference to subsections (1) and (4) of section 82 of the 1975 Act shall be construed as a reference to paragraphs (1), (2) and (5) or Article 2 of that Order; and
 - (c) other references to numbered sections of the 1975 Act shall be construed as references to the Articles of that Order bearing the same number;
- and there shall be omitted sub-paragraphs (e) to (h) of paragraph 2, sub-paragraph (2) of paragraph 4 and so much of paragraph 3 as relates to findings or notices under the 1976 Act.

Marginal Citations

M4 S.I. 1976/1042 (N.I. 15)

VALID FROM 04/08/1997

^{F16} In the application of paragraphs 2 to 4 above to Northern Ireland references to the 1976 Act shall be construed as references to the Race Relations (Northern Ireland) Order 1997, and in particular the references to sections 29, 30, 31, 57, 62, 63(2)(a) and (4) and 78(1) and (4) of the 1976 Act shall be construed as references to Articles 29, 30, 31, 54, 59, 60(2)(a) and (4) and 2(2) and (3) respectively of that Order.]

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Textual Amendments

F1 By S.I. 1997/869 (N.I. 6), art. 73, **Sch. 2 para. 2(2)**; S.R. 1997/273, **art. 2(4)** it is provided (4.8.1997) that for certain words in Sch. 1 para. 5 there shall be substituted para. 6

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