



Northern Ireland Act 1998

1998 CHAPTER 47

PART VII

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

Equality of opportunity

77 Unlawful oaths etc.

- (1) Subject to subsections (2) and (3), an authority or body to which this section applies may not require a person to take an oath or make a declaration as a condition of—
 - (a) being appointed to the authority or body;
 - (b) acting as a member of the authority or body; or
 - (c) serving with or being employed by the authority or body.
- (2) Subsection (1) shall not prevent a person being required to take an oath, or make a declaration, which is expressly required or authorised by the law in force immediately before this section comes into force.
- (3) Subsection (1) shall not prevent a person being required to make a declaration—
 - (a) of acceptance of office;
 - (b) that he is qualified to act, serve or be employed in a capacity; or
 - (c) that he is not disqualified from acting, serving or being employed in a capacity.
- (4) This section applies to—
 - (a) the Assembly;
 - [^{F1}(b) any authority (other than a Northern Ireland department, the board of governors of a grant-aided school, the Comptroller and Auditor General, a general health care provider or an independent provider of health and social care) listed in Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 (listed authorities).]
- (5) Subsections (1) to (3) apply with the necessary modifications to a Minister and a Northern Ireland department.

Status: Point in time view as at 01/04/2016. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 77. (See end of Document for details)

- (6) An act which contravenes this section is actionable in Northern Ireland at the instance of any person adversely affected by it; and the court may—
- (a) grant damages;
 - (b) subject to subsection (7), grant an injunction restraining the defendant from committing, causing or permitting further contraventions of this section.
- (7) Without prejudice to any other power to grant an injunction, a court may grant an injunction under subsection (6) only if satisfied that the defendant—
- (a) contravened this section on the occasion complained of and on more than one previous occasion; and
 - (b) is likely to contravene this section again unless restrained by an injunction.
- (8) In this section a reference to a declaration includes a reference to any kind of undertaking or affirmation, by whatever name.

Textual Amendments

- F1** S. 77(4)(b) substituted for s. 77(4)(b)(c)(d)(e) (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, [Sch. 8 para. 7](#)

Status:

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