



Northern Ireland Act 1998

1998 CHAPTER 47

PART VIII

MISCELLANEOUS

Discrimination: certificates by Secretary of State

90 Effect of certificates.

- (1) This section applies where in any proceedings—
 - (a) a person claims that an act discriminated against him in contravention of section 24 or 76; and
 - (b) the person against whom the claim is made proposes to rely on a certificate purporting to be signed by or on behalf of the Secretary of State and certifying—
 - (i) that an act specified in the certificate was done for the purpose of safeguarding national security or protecting public safety or public order; and
 - (ii) that the doing of the act was justified by that purpose.
- (2) The claimant may, in accordance with rules [F1made under section 91] , appeal against the certificate to the Tribunal, that is to say, the tribunal established under section 91.
- (3) If on an appeal under subsection (2) the Tribunal determines—
 - (a) that the act specified in the certificate was done for the certified purpose; and
 - (b) that the doing of the act was justified by that purpose,the Tribunal shall uphold the certificate; in any other case, the Tribunal shall quash the certificate.
- (4) If—
 - (a) the claimant does not appeal against the certificate; or
 - (b) the certificate is upheld on appeal,the certificate shall be conclusive evidence of the matters certified by it.

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 90. (See end of Document for details)

(5) In this section “act” does not include the making, confirmation or approval of a provision of subordinate legislation.

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Textual Amendments

F1 Words in s. 90(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 105](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(b)

Status:

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Changes to legislation:

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