STATUTORY INSTRUMENTS

1997 No. 869

The Race Relations (Northern Ireland) Order 1997

PART VIII

ENFORCEMENT

Non-discrimination notices

Issue of non-discrimination notice

55.—(1) This Article applies to—

(a) an unlawful**[**[F1] act of discrimination or harassment**]**; and

(b) an act contravening Article 28; and

(c) an act contravening Article 29, 30 or 31,

and so applies whether or not proceedings have been brought in respect of the act.

(2) If in the course of a formal investigation the Commission becomes satisfied that a person is committing, or has committed, any such acts, the Commission may in the prescribed manner serve on him a notice in the prescribed form ("a non-discrimination notice") requiring him—

(a) not to commit any such acts; and

(b) where compliance with sub-paragraph (a) involves changes in any of his practices or other arrangements—

(i) to inform the Commission that he has effected those changes and what those changes are; and

(ii) to take such steps as may be reasonably required by the notice for the purpose of affording that information to other persons concerned.

(3) A non-discrimination notice may also require the person on whom it is served to furnish the Commission with such other information as may be reasonably required by the notice in order to verify that the notice has been complied with.

(4) The notice may specify the time at which, and the manner and form in which, any information is to be furnished to the Commission, but the time at which any information is to be furnished in compliance with the notice shall not be later than 5 years after the notice has become final.

(5) The Commission shall not serve a non-discrimination notice in respect of any person unless it has first—

(a) given him notice that it is minded to issue a non-discrimination notice in his case, specifying the grounds on which it contemplates doing so; and

(b) offered him an opportunity of making oral or written representations in the matter (or both oral and written representations if he thinks fit) within a period of not less than 28 days specified in the notice; and

(c) taken account of any representations so made by him.

(6) Paragraph (2) does not apply to any acts in respect of which the Department of Education could exercise the powers conferred on it by Article 20(2); but if the Commission becomes aware of any such acts it shall give notice of the acts to the Department of Education.

(7) Article 48(4) shall apply to requirements under paragraph (2)(b), (3) and (4) contained in a non-discrimination notice which has become final as it applies to requirements in a notice served under Article 48(1).

F1 SR 2003/341

Appeal against non-discrimination notice

56.—(1) Not later than 6 weeks after a non-discrimination notice is served on any person he may appeal against any requirement of the notice—

(a) to an industrial tribunal, so far as the requirement relates to acts which are within the jurisdiction of the tribunal;

(b) to a county court, so far as the requirement relates to acts which are within the jurisdiction of the court**[**[F2] (ignoring Article 54A)**]** and are not within the jurisdiction of an industrial tribunal.

(2) Where the tribunal or court considers a requirement in respect of which an appeal is brought under paragraph (1) to be unreasonable because it is based on an incorrect finding of fact or for any other reason, the tribunal or court shall quash the requirement.

(3) On quashing a requirement under paragraph (2) the tribunal or court may direct that the non-discrimination notice shall be treated as if, in place of the requirement quashed, it had contained a requirement in terms specified in the direction.

(4) Paragraph (1) does not apply to a requirement treated as included in a non-discrimination notice by virtue of a direction under paragraph (3).

F2 SR 2003/341

Investigation as to compliance with non-discrimination notice

57.—(1) If—

(a) the terms of reference of a formal investigation state that its purpose is to determine whether any requirements of a non-discrimination notice are being or have been carried out, but Article 48(2)(b) does not apply; and

(b) Article 47(3) is complied with in relation to the investigation on a date ("the commencement date") not later than the expiration of the period of 5 years beginning when the non-discrimination notice became final,

the Commission may within the period referred to in paragraph (2) serve notices under Article 48(1) for the purposes of the investigation without the authorisation mentioned in Article 48(2)(a).

(2) The said period begins on the commencement date and ends on the later of the following dates—

(a) the date on which the period of 5 years mentioned in paragraph (1)(b) expires;

(b) the date 2 years after the commencement date.

Register of non-discrimination notices

58.—(1) The Commission shall establish and maintain a register ("the register") of non-discrimination notices which have become final.

(2) Any person shall be entitled, on payment of such fee (if any) as may be determined by the Commission—

(a) to inspect the register during ordinary office hours and take copies of any entry; or

(b) to obtain from the Commission a copy, certified by the Commission to be correct, of any entry in the register.

(3) The Commission may, if it thinks fit, determine that the right conferred by paragraph (2)(a) shall be exercisable in relation to a copy of the register instead of, or in addition to, the original.

(4) The Commission shall give general notice of the place or places where, and the times when, the register or a copy of it may be inspected.

Changes to legislation:
The Race Relations (Northern Ireland) Order 1997, Cross Heading: Non-discrimination notices is up to date with all changes known to be in force on or before 05 June 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.
View outstanding changes

Changes and effects yet to be applied to :

- Instrument am. (prosp.) by 1998 c. 17 s.50 Sch.4 para.41
- Instrument am. (prosp.) by 1998 c. 32 s.74(1)Sch.4 para.24