
STATUTORY INSTRUMENTS

2000 No. 1110

The Equality (Disability, etc.) (Northern Ireland) Order 2000

PART II

DISABILITY DISCRIMINATION

Agreements in lieu of enforcement action

7.—(1) If the Commission has reason to believe that a person has committed or is committing an unlawful act, it may (subject to Article 5(3)) enter into an agreement in writing under this Article with that person on the assumption that that belief is well founded (whether or not that person admits that he committed or is committing the act in question).

(2) An agreement under this Article is one by which—

- (a) the Commission undertakes not to take any relevant enforcement action in relation to the unlawful act in question; and
- (b) the person concerned undertakes—
 - (i) not to commit any further unlawful acts of the same kind (and, where appropriate, to cease committing the unlawful act in question); and
 - (ii) to take such action (which may include ceasing an activity or taking continuing action over any period) as may be specified in the agreement.

(3) Those undertakings are binding on the parties to the agreement; but undertakings under paragraph (2)(b) are enforceable by the Commission only as provided by paragraph (8).

(4) For the purposes of paragraph (2)(a), “relevant enforcement action” means—

- (a) beginning a formal investigation into the commission by the person concerned of the unlawful act in question;
- (b) if such an investigation has begun (whether or not the investigation is confined to that matter), taking any further steps in the investigation of that matter; and
- (c) taking any steps, or further steps, with a view to the issue of a non-discrimination notice based on the commission of the unlawful act in question.

(5) The action specified in an undertaking under paragraph (2)(b)(ii) must be action intended to change anything in the practices, policies, procedures or other arrangements of the person concerned which—

- (a) caused or contributed to the commission of the unlawful act in question; or
- (b) is liable to cause or contribute to a failure to comply with his undertaking under paragraph (2)(b)(i).

(6) An agreement under this Article—

- (a) may include terms providing for incidental or supplementary matters (including the termination of the agreement, or the right of either party to terminate it, in certain circumstances); and

(b) may be varied or revoked by agreement of the parties.

(7) An agreement under this Article may not include any provisions other than terms mentioned in paragraphs (2) and (6)(a) unless their inclusion is authorised by regulations made by the Office for the purposes of this Article; but any provisions so authorised are not enforceable by the Commission under paragraph (8).

(8) The Commission may apply to a county court for an order under this paragraph if—

- (a) the other party to an agreement under this Article has failed to comply with any undertaking under paragraph (2)(b); or
- (b) the Commission has reasonable cause to believe that he intends not to comply with any such undertaking.

(9) An order under paragraph (8) is an order requiring the other party to comply with the undertaking or with such directions for the same purpose as are contained in the order.

(10) Nothing in this Article affects the Commission's powers to settle or compromise legal proceedings of any description.

(11) In this Article "unlawful act" means an act which is unlawful discrimination for the purposes of any provision of Part II or Part III of the 1995 Act or any other unlawful act of a description prescribed for the purposes of this Article.

(12) Schedule 1 (so far as relating to agreements under this Article) has effect.