

SCHEDULES

SCHEDULE 1

FORMAL INVESTIGATIONS AND NON-DISCRIMINATION NOTICES

PART II

NON-DISCRIMINATION NOTICES

Appeal against non-discrimination notice

10.—(1) A person on whom a non-discrimination notice is served may, within the period of six weeks beginning on the day on which the notice is served on him, appeal against any requirement imposed by the notice under Article 6(1)(b) or (3).

(2) An appeal under this paragraph lies—

- (a) to an industrial tribunal, so far as the requirement relates to acts within the tribunal's jurisdiction; and
- (b) to a county court, so far as the requirement relates to acts which are not within the jurisdiction of an industrial tribunal.

(3) The court or tribunal may quash any requirement appealed against—

- (a) if it considers the requirement to be unreasonable; or
- (b) in the case of a requirement imposed under Article 6(1)(b), if it considers that the Commission's finding that the person concerned had committed or is committing the unlawful act in question was based on an incorrect finding of fact.

(4) On quashing a requirement, the court or tribunal may direct that the non-discrimination notice shall have effect with such modifications as it considers appropriate.

(5) The modifications which may be included in such a direction include—

- (a) the substitution of a requirement in different terms; and
- (b) in the case of a requirement imposed under Article 6(1)(b), modifications to the details given under Article 6(1)(a) so far as necessary to describe any unlawful act on which the requirement could properly have been based.

(6) Sub-paragraph (1) does not apply to any modifications contained in a direction under sub-paragraph (4).

(7) If the court or tribunal allows an appeal under this paragraph without quashing the whole of the non-discrimination notice, the Commission may by notice to the person concerned vary the non-discrimination notice—

- (a) by revoking or altering any recommendation included in pursuance of the Commission's power under Article 6(2); or
- (b) by making new recommendations in pursuance of that power.

11. For the purposes of Part II of this Order a non-discrimination notice becomes final when—

Status: *This is the original version (as it was originally made).*

- (a) an appeal under paragraph 10 is dismissed, withdrawn or abandoned or the time for appealing expires without an appeal having been brought; or
- (b) an appeal under that paragraph is allowed without the whole notice being quashed.