

2004 No. 172

SEX DISCRIMINATION

**Sex Discrimination Order 1976 (Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *7th April 2004*

Coming into operation *28th April 2004*

The Office of the First Minister and deputy First Minister, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to measures relating to discrimination^(b), in the exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 28th April 2004.

(2) In these Regulations “the Order” means the Sex Discrimination (Northern Ireland) Order 1976^(c).

(3) The Interpretation Act (Northern Ireland) 1954^(d) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Discrimination after a relevant relationship has come to an end

2. After Article 22 of the Order, insert –

“Relationships which have come to an end

22A.—(1) This Article applies where –

- (a) there has been a relevant relationship between a woman and another person (“the relevant person”), and
- (b) the relationship has come to an end (whether before or after the commencement of this Article).

(2) In this Article, a “relevant relationship” is a relationship during the course of which an act of discrimination by one party to the relationship against the other party to it is unlawful under any preceding provision of this Part.

(3) It is unlawful for the relevant person to discriminate against the woman by subjecting her to a detriment where the discrimination arises out of and is closely connected to the relevant relationship.”.

(a) 1972 c. 68

(b) See the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)

(c) S.I. 1976/1042 (N.I. 15)

(d) 1954 c. 33 (N.I.)

3. After Article 36 of the Order, insert –

“Relationships which have come to an end

36A.—(1) This Article applies where –

- (a) there has been a relevant relationship between a woman and another person (“the relevant person”), and
- (b) the relationship has come to an end (whether before or after the commencement of this Article).

(2) In this Article, a “relevant relationship” is a relationship during the course of which an act of discrimination by one party to the relationship against the other party to it is unlawful under any other provision of this Part, so far as the provision applies to vocational training.

(3) It is unlawful for the relevant person to discriminate against the woman by subjecting her to a detriment where the discrimination arises out of and is closely connected to the relevant relationship.”.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 7th April 2004.

(L.S.)

P. McAuley

A Senior Officer of the Office of the First Minister and deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which amend the Sex Discrimination (Northern Ireland) Order 1976 (“the Order”), come into operation on 28th April 2004.

Regulations 2 and 3 insert two new Articles into the Order. New Article 22A prohibits discrimination after the end of a relationship which is governed by Part III of the Order (for example, employment or partnership) if the act of discrimination arises out of and is closely connected to the relationship. New Article 36A makes an equivalent provision in relation to relationships which are governed by other provisions of Part IV of the Order which apply to vocational training. These Regulations make clear that such acts of discrimination are unlawful under the Order, reflecting the decision of the European Court of Justice in *Coote v Granada Hospitality Ltd* (Case C-185/97, judgment of 22nd September 1998) on the interpretation of the Equal Treatment Directive.

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Published by The Stationery Office Limited

ISBN 0-337-95484-4



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