
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 55

**The Disability Discrimination Act 1995
(Amendment) Regulations (Northern Ireland) 2004**

PART II

AMENDMENTS TO THE ACT

Enforcement

9.—(1) Move section 8 (enforcement, remedies and procedure), and the preceding cross-heading, to immediately precede section 18, and renumber the section as section 17A.

(2) In that section –

- (a) in subsection (1)(a), after “discriminated against him” insert “, or subjected him to harassment,”;
- (b) in subsection (1)(b), for “discriminated against him in such a way”, substitute “done so”;
- (c) after subsection (1), insert the following subsections –

“(1A) Subsection (1) does not apply to a complaint under section 14A(1) or (2) about an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment.

(1B) Where, on the hearing of a complaint under subsection (1), the complainant proves facts from which the tribunal could, apart from this subsection, conclude in the absence of an adequate explanation that the respondent has acted in a way which is unlawful under this Part, the tribunal shall uphold the complaint unless the respondent proves that he did not so act.”;

(d) for subsection (3), substitute –

“(3) Where a tribunal orders compensation under subsection (2)(b), the amount of the compensation shall be calculated by applying the principles applicable to the calculation of damages in claims in tort for breach of statutory duty.”;

(e) for subsection (7), substitute –

“(7) Regulations may modify the operation of any order made under Article 16 of the Industrial Tribunals (Northern Ireland) Order 1996(1) (power to make provision as to interest on sums payable in pursuance of industrial tribunal decisions) to the extent that it relates to an award of compensation under subsection (2)(b).”.