
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 439

**The Equality Act (Sexual Orientation)
Regulations (Northern Ireland) 2006**

Effect of certificates by Secretary of State

- 51.**—(1) This regulation applies where in any proceedings —
- (a) a person claims that an act discriminated against him in contravention of any provision of regulations 5 to 25; and
 - (b) the person against whom the claim is made proposes to rely on a certificate purporting to be signed by or on behalf of the Secretary of State and certifying —
 - (i) that an act specified in the certificate was done for the purpose of safeguarding national security or protecting public safety or public order; and
 - (ii) that the doing of the act was justified by that purpose.
- (2) The claimant may, in accordance with the rules under section 91 of the Northern Ireland Act 1998, appeal against a certificate to the tribunal established under that section.
- (3) If on an appeal under paragraph (2) the tribunal determines —
- (a) that the act specified in the certificate was done for the certified purpose; and
 - (b) that the doing of the act was justified by that purpose,
- the tribunal shall uphold the certificate; in any other case, the tribunal shall quash the certificate.
- (4) If —
- (a) the claimant does not appeal against the certificate; or
 - (b) the certificate is upheld on appeal,
- the certificate shall be conclusive evidence of the matters certified by it.
- (5) Sections 91 and 92 of the Northern Ireland Act 1998 shall apply in relation to appeals under this regulation as they apply in relation to appeals under section 90 of that Act.
- (6) In this regulation —
- “claim” includes complaint; and
 - “claimant” includes complainant.