



Fair Employment (Northern Ireland) Act 1976

1976 CHAPTER 25

PART II

EQUALITY OF OPPORTUNITY

Appeals and legal proceedings in relation to the remedying of practices

14 Appeal to Appeals Board against directions under s. 13

- (1) Where, under section 13, the Agency serves on the person concerned a notice containing directions (not being directions substituted for others in accordance with an application made by him under section 13(5)), he may, within 21 days from the date of service, appeal to the Appeals Board against the directions.
- (2) The appeal may be brought on any of the following grounds—
 - (a) that in all the circumstances it is unreasonable to expect the appellant to comply with the directions;
 - (b) that in all the circumstances the directions are not appropriate for promoting equality of opportunity; or
 - (c) that the appellant is already affording equality of opportunity, and the directions are, therefore, unnecessary.
- (3) Schedule 4 shall have effect with respect to the conduct of the appeal.
- (4) On hearing the appeal the Appeals Board may—
 - (a) dismiss the appeal; or
 - (b) quash the directions or any of them ; or
 - (c) substitute for the directions or any of them such other directions (of a kind that the Agency could have given) as the Appeals Board considers reasonable and appropriate in all the circumstances.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) Directions substituted under subsection (4)(c) shall be binding on the person concerned and shall be enforceable only in accordance with section 15.
- (6) In coming to its decision the Appeals Board shall have such regard as it considers proper in all the circumstances to the recommendations contained in the guide to good manpower policy and practice prepared by the Department under section 5.

15 Enforcement by county court of undertaking or directions

- (1) Where, within such period as the Agency considers reasonable.—
 - (a) an undertaking to take action for promoting equality of opportunity—
 - (i) which has been given to the Agency under section 13(1) and has not been superseded by directions given by the Agency, or
 - (ii) which has been given to the Agency under section 13(5),
has not been complied with ; or
 - (b) directions given by the Agency have not been complied with,
or steps have not been taken to the Agency's satisfaction to comply with it or them, the Agency may, subject to subsection (2), make an application to the county court under this section for enforcement of the undertaking or the directions.
- (2) Notice of an application for the enforcement of directions shall not be given—
 - (a) until the expiration of the period allowed by section 14(1) for an appeal to the Appeals Board against the directions; or
 - (b) if notice of such an appeal is served within that period—
 - (i) unless the appeal is abandoned or dismissed, or
 - (ii) where the Appeals Board quashes, or makes substitutions for, some only of the directions, except in relation to directions which have not been quashed or for which no substitution has been made.
- (3) On such an application the court shall have power to make an order (to which section 46 shall apply) directing the person concerned to do any act which he ought to do in order to fulfil all or any of his commitments under the undertaking or comply with all or any of his obligations under the directions.
- (4) This section (except subsection (2)) applies also to directions substituted by the Appeals Board under section 14(4)(c) for directions given by the Agency.