

SCHEDULES

SCHEDULE 3

Sections 8(8) and 25(6).

ENFORCEMENT AND PROCEDURE

PART I

EMPLOYMENT

Conciliation

- 1 (1) Where a complaint is presented to an industrial tribunal under section 8 and a copy of it is sent to a conciliation officer, he shall—
- (a) if requested to do so by the complainant and respondent, or
 - (b) if he considers that he has a reasonable prospect of success,
- try to promote a settlement of the complaint without its being determined by an industrial tribunal.
- (2) Where a person is contemplating presenting such a complaint, a conciliation officer shall, if asked to do so by the potential complainant or potential respondent, try to promote a settlement.
- (3) The conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
- (4) Anything communicated to a conciliation officer in a case in which he is acting under this paragraph shall not be admissible in evidence in any proceedings before an industrial tribunal except with the consent of the person who communicated it.

Restriction on proceedings for breach of Part II

- 2 (1) Except as provided by section 8, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part II.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Period within which proceedings must be brought

- 3 (1) An industrial tribunal shall not consider a complaint under section 8 unless it is presented before the end of the period of three months beginning when the act complained of was done.
- (2) A tribunal may consider any such complaint which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (3) For the purposes of sub-paragraph (1)—

Status: This is the original version (as it was originally enacted).

- (a) where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (4) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Evidence

- 4 (1) In any proceedings under section 8, a certificate signed by or on behalf of a Minister of the Crown and certifying—
- (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, or
 - (b) that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

PART II

DISCRIMINATION IN OTHER AREAS

Restriction on proceedings for breach of Part III

- 5 (1) Except as provided by section 25 no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Part III.
- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Period within which proceedings must be brought

- 6 (1) A county court or a sheriff court shall not consider a claim under section 25 unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.
- (2) Where, in relation to proceedings or prospective proceedings under section 25, a person appointed in connection with arrangements under section 28 is approached before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by two months.

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

- (3) A court may consider any claim under section 25 which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (4) For the purposes of sub-paragraph (1)—
- (a) where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
 - (b) any act extending over a period shall be treated as done at the end of that period; and
 - (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
 - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

Compensation for injury to feelings

- 7 In any proceedings under section 25, the amount of any damages awarded as compensation for injury to feelings shall not exceed the prescribed amount.

Evidence

- 8 (1) In any proceedings under section 25, a certificate signed by or on behalf of a Minister of the Crown and certifying—
- (a) that any conditions or requirements specified in the certificate were imposed by a Minister of the Crown and were in operation at a time or throughout a time so specified, or
 - (b) that an act specified in the certificate was done for the purpose of safeguarding national security,
- shall be conclusive evidence of the matters certified.
- (2) A document purporting to be such a certificate shall be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.