
STATUTORY INSTRUMENTS

2007 No. 1263

The Equality Act (Sexual Orientation) Regulations 2007

Remedies for unlawful action

- 22.**—(1) In proceedings under regulation 20, the court (subject to paragraph (2))—
- (a) (in addition to granting any remedy available to it in proceedings for tort) may grant any remedy that the High Court could grant in proceedings for judicial review,
 - (b) may award damages by way of compensation for injury to feelings (whether or not other damages are also awarded),
 - (c) may not award damages in proceedings in respect of an act that is unlawful by virtue of regulation 3(5) if the respondent proves that there was no intention to treat the claimant unfavourably on grounds of sexual orientation,
- (2) In respect of a contravention of regulation 8, the court—
- (a) shall not grant an injunction unless satisfied that it will not prejudice criminal proceedings or a criminal investigation, and
 - (b) shall grant any application to stay the proceedings under regulation 20 on the grounds of prejudice to criminal proceedings or to a criminal investigation, unless satisfied that the proceedings or investigation will not be prejudiced.
- (3) In the application of this regulation to Scotland—
- (a) a reference to the court shall be taken as a reference to the sheriff,
 - (b) a reference to the High Court shall be taken as a reference to the Court of Session,
 - (c) a reference to tort shall be taken as a reference to reparation,
 - (d) a reference to the claimant shall be taken as a reference to the pursuer,
 - (e) a reference to the respondent shall be taken as a reference to the defender,
 - (f) a reference to an injunction shall be taken as a reference to an interdict, and
 - (g) a reference to staying proceedings shall be taken as a reference to sisting proceedings.