
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

PART VIII

ENFORCEMENT

Enforcement of Part IV

Claims under Part IV

66.—(1) A claim by any person (“the claimant”) that another person (“the respondent”)—

- (a) has committed an act of discrimination^[F1] or harassment] against the claimant which is unlawful by virtue of Part IV, or
- (b) is by virtue of Article 42 or 43 to be treated as having committed such an act of discrimination^[F1] or harassment] against the claimant,

may be made the subject of civil proceedings in like manner as any other claim in tort.

(2) Proceedings under paragraph (1) shall be brought only in a county court, but all such remedies shall be obtainable in such proceedings as, apart from this paragraph and Article 62(1), would be obtainable in the High Court.

(3) As respects an unlawful act of discrimination falling within Article 3(1)(b)^{F2} . . . no award of damages shall be made if the respondent proves that the requirement or condition in question was not applied with the intention of treating the claimant unfavourably on the ground of his sex^{F2}. . . .

^[F3](3A) Paragraph (3) does not affect the award of damages in respect of an unlawful act of discrimination falling within Article 3(2)(b).]

(4) For the avoidance of doubt it is hereby declared that damages in respect of an unlawful act of discrimination^[F1] or harassment] may include compensation for injury to feelings whether or not they include compensation under any other head.

(5) Civil proceedings in respect of a claim by any person that he has been discriminated against^[F1], or subjected to harassment] in contravention of Article 24 or 25 by a body to which Article 26(1) applies (other than proceedings in respect of a claim against the Department of Education) shall not be instituted unless the claimant has given notice of the claim to the Department of Education and either that Department has by notice informed the claimant that it does not require further time to consider the matter, or the period of two months has elapsed since the claimant gave notice to that Department; but nothing in this paragraph applies to a counter-claim.

(6) For the purposes of proceedings under paragraph (1)—

- (a) ^[F4] Article 33(1) of the County Courts (Northern Ireland) Order 1980] shall apply with the omission of the words “on the application of any party”, and

Status: Point in time view as at 01/01/2006.

Changes to legislation: Sex Discrimination (Northern Ireland) Order 1976, Cross Heading: Enforcement of Part IV is up to date with all changes known to be in force on or before 30 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) the remuneration of assessors appointed under the said section 62(1) shall be at such rate as may be determined by the Lord Chancellor with the approval of the Minister for the Civil Service and may be defrayed as part of the expenses of the county court service.

(7) A county court shall have jurisdiction to entertain proceedings under paragraph (1) with respect to an act done on a ship, aircraft or hovercraft outside its district, including such an act done outside Northern Ireland.

F1	SR 2005/426
F2	SR 1996/418
F3	SR 2001/282
F4	1980 NI 3

[^{F5}Burden of proof: county court

66A.—(1) This Article applies to any claim brought under Article 66(1) in a county court.

(2) Where, on the hearing of the claim, the claimant proves facts from which the court could, apart from this Article, conclude in the absence of an adequate explanation that the respondent—

- (a) has committed an act of discrimination[^{F6} or harassment] against the claimant which is unlawful by virtue of any provision of Part IV, so far as it applies to vocational training, or
- (b) is by virtue of Article 42 and 43 to be treated as having committed such an act of discrimination[^{F6} or harassment] against the claimant,

the court shall uphold the claim unless the respondent proves that he did not commit or, as the case may be, is not to be treated as having committed, that act.]

F5	SR 2001/282
F6	SR 2005/426

Status:

Point in time view as at 01/01/2006.

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