

SCHEDULES

SCHEDULE 4

COMPROMISE CONTRACTS

The Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

1. In Article 77—

(a) in paragraph (4), after sub-paragraph (a), there shall be inserted—

“(aa) to a contract settling a complaint to which Article 63(1) of this Order or section 2 of the Equal Pay Act applies if the conditions regulating compromise contracts under this Order are satisfied in relation to the contract;” and

(b) after paragraph (4) there shall be inserted—

“(4A) The conditions regulating compromise contracts under this Order are that—

- (a) the contract must be in writing;
- (b) the contract must relate to the particular complaint;
- (c) the complainant must have received independent legal advice from a qualified lawyer as to the terms and effect of the proposed contract and in particular its effect on his ability to pursue his complaint before an industrial tribunal;
- (d) there must be in force, when the adviser gives the advice, a policy of insurance covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice;
- (e) the contract must identify the adviser; and
- (f) the contract must state that the conditions regulating compromise contracts under this Order are satisfied.

(4B) In paragraph (4A)—

“independent”, in relation to legal advice to the complainant, means that it is given by a lawyer who is not acting for the other party or for a person who is connected with that other party; and

“qualified lawyer” means—

- (a) a barrister, whether in practice as such or employed to give legal advice; or
- (b) a solicitor of the Supreme Court who holds a practising certificate.

(4C) For the purposes of paragraph (4B) any two persons are to be treated as “connected” if one is a company of which the other (directly or indirectly) has control, or if both are companies of which a third person (directly or indirectly) has control.”.