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STATUTORY INSTRUMENTS

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**1997 No. 869**

**The Race Relations (Northern Ireland) Order 1997**

**PART VIII**

**ENFORCEMENT**

*Period within which proceedings to be brought*

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**65.**—(1) An industrial tribunal shall not consider a complaint under Article 52 unless it is presented to the tribunal before the end of—

- (a) the period of 3 months beginning when the act complained of was done; or
- (b) in a case to which Article 71(7) applies, the period of 6 months so beginning.

(2) A county court shall not consider a claim under Article 54 unless proceedings in respect of the claim are instituted before the end of—

- (a) the period of 6 months beginning when the act complained of was done; or
- (b) in a case to which Article 54(5) applies, the period of 8 months so beginning.

(3) Where, in relation to proceedings or prospective proceedings by way of a claim under Article 54, an application for assistance under Article 64 is made to the Commission before the end of the period of 6 or, as the case may be, 8 months mentioned in sub-paragraph (a) or (b) of paragraph (2), the period allowed by that sub-paragraph for instituting proceedings in respect of the claim shall be extended by 2 months.

(4) An industrial tribunal or county court shall not consider an application under Article 60(2)(a) unless it is made before the end of the period of 6 months beginning when the act to which it relates was done; and a county court shall not consider an application under Article 60(4) unless it is made before the end of the period of 5 years so beginning.

(5) An industrial tribunal shall not consider a complaint under Article 61(1) unless it is presented to the tribunal before the end of the period of 6 months beginning when the act complained of was done.

(6) A county court shall not consider an application under Article 62(4) in relation to an undertaking under that Article unless it is made before the end of the period specified in the undertaking by virtue of paragraph (3)(d) of that Article.

(7) A court or tribunal may nevertheless consider any such complaint, claim or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(8) For the purposes of this Article—

- (a) when the inclusion of any term in a contract renders the making of the contract an unlawful act, that act shall be treated as extending throughout the duration of the contract; and
- (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.
- (9) In the absence of evidence establishing the contrary a person shall be taken for the purposes of this Article 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.