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STATUTORY INSTRUMENTS

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**1998 No. 3162**

**The Fair Employment and Treatment  
(Northern Ireland) Order 1998**

**PART VI**

**ENFORCEMENT OF PARTS III TO V**

*Other enforcement by Commission*

**Enforcement of Article 34**

**42.**—(1) Proceedings in respect of a contravention of Article 34 shall be brought only by the Commission in accordance with the following provisions of this Article.

- (2) The proceedings shall be—
  - (a) an application for a decision whether the alleged contravention occurred; or
  - (b) an application under paragraph (4), or both.
- (3) An application under paragraph (2)(a) shall be made—
  - (a) in a case based on any provision of Part III, to the Tribunal; and
  - (b) in any other case, to a county court.
- (4) If it appears to the Commission—
  - (a) that a person has done an act which by virtue of Article 34 was unlawful; and
  - (b) that unless restrained he is likely to do further acts which by virtue of that Article are unlawful,

the Commission may apply to a county court for an injunction restraining him from doing such acts; and the court, if satisfied that the application is well-founded, may grant the injunction in the terms applied for or in more limited terms.

(5) In proceedings under paragraph (4) the Commission shall not allege that the person to whom the proceedings relate has done an act which is unlawful by virtue of Article 34 and within the jurisdiction of the Tribunal unless a finding by the Tribunal under paragraph (3)(a) that he did that act has become final.

(6) In paragraph (5), the acts “within the jurisdiction of the Tribunal” are those in respect of which such jurisdiction is conferred by Article 38.