

SCHEDULES

SCHEDULE 1

FORMAL INVESTIGATIONS AND NON-DISCRIMINATION NOTICES

PART IV

SUPPLEMENTARY

Restriction on disclosure of information

22.—(1) No information given to the Commission by any person (“the informant”) in connection with—

- (a) a formal investigation; or
- (b) the exercise of any of its functions in relation to non-discrimination notices, action plans and agreements under Article 7,

shall be disclosed by the Commission or by any person who is or has been a Commissioner, an additional Commissioner or an employee of the Commission.

(2) Sub-paragraph (1) does not apply to any disclosure made—

- (a) on the order of a court,
- (b) with the informant’s consent,
- (c) in the form of a summary or other general statement published by the Commission which does not identify the informant or any other person to whom the information relates,
- (d) in a report of the investigation published by the Commission,
- (e) to a Commissioner, an additional Commissioner or an employee of the Commission, or, so far as is necessary for the proper performance of the Commission’s functions, to other persons, or
- (f) for the purpose of any civil proceedings to which the Commission is a party, or of any criminal proceedings.

(3) A person who discloses information contrary to sub-paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Enforcement of court orders

23.—(1) This paragraph applies to any order made by a county court under Article 7(8) or under any provision of this Schedule.

(2) Article 54 of the County Courts (Northern Ireland) Order 1980 (penalty for refusal to appear, be sworn or give evidence) shall have effect in relation to a failure to comply with an order made by a county court to which this paragraph applies with the following modifications—

- (a) for paragraphs (1) and (2) there shall be substituted—

Status: This is the original version (as it was originally made).

- “(1) Any person who fails without reasonable excuse to comply with an order made by a county court under Article 7(8) of or any provision of Schedule 1 to the Equality (Disability, etc.) (Northern Ireland) Order 2000 shall be guilty of a contempt of the court.”;
- (b) for paragraph (3) there shall be substituted—
- “(3) Notwithstanding Article 55(2), where a person is guilty of contempt of court under this Article, the judge shall not commit the person to prison but may, if he thinks fit, impose on that person a fine of such amount as the judge may direct.”;
- (c) in paragraph (4), for the words “the party injured by the refusal or neglect” there shall be substituted the words “the Equality Commission for Northern Ireland for expenses incurred or wasted in consequence of the failure to comply with the order concerned”; and
- (d) paragraphs (5) and (6) shall be omitted.
- (3) If the Commission applies to a county court to enforce an order to which this paragraph applies, the court may modify the order.

Offences

- 24.**—(1) A person who—
- (a) deliberately alters, suppresses, conceals or destroys a document to which a notice under paragraph 4 or 21, or an order under paragraph 5 or 21(3), relates; or
- (b) in complying with—
- (i) a notice under paragraph 4 or 21;
- (ii) a non-discrimination notice;
- (iii) an agreement under Article 7; or
- (iv) an order of a court under Article 7(8) or under any provision of this Schedule,
- makes any statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Proceedings for an offence under this paragraph may (without prejudice to any jurisdiction exercisable apart from this sub-paragraph) be instituted—
- (a) against any person at any place at which he has an office or other place of business;
- (b) against an individual at any place where he resides, or at which he is for the time being.

Service of documents

- 25.** For the purposes of this Schedule section 24 of the Interpretation Act (Northern Ireland) 1954 applies with the omission from subsection (1) of the word “registering”.

Regulations

- 26.** The Office may make regulations making provision—
- (a) supplementing Part I or II of this Schedule in connection with any matter concerned with the conduct of formal investigations or the procedure for issuing non-discrimination notices; or
- (b) amending Part III of this Schedule in relation to the procedures for finalising action plans.