
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 341

**Race Relations Order (Amendment)
Regulations (Northern Ireland) 2003**

Burden of proof

40. After Article 52 of the Race Relations Order insert –

“Burden of proof: industrial tribunals

52A.—(1) This Article applies where a complaint is presented under Article 52 and the complaint is that the respondent –

- (a) has committed an act of discrimination, on grounds of race or ethnic or national origins, which is unlawful by virtue of any provision referred to in Article 3(1B) (a), (e) or (f), or Part IV in its application to those provisions, or
- (b) has committed an act of harassment.

(2) Where, on the hearing of the complaint, the complainant proves facts from which the tribunal could, apart from this Article, conclude in the absence of an adequate explanation that the respondent –

- (a) has committed such an act of discrimination or harassment against the complainant,
- (b) is by virtue of Article 32 or 33 to be treated as having committed such an act of discrimination or harassment against the complainant,

the tribunal shall uphold the complaint 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.”.