
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 439

**The Equality Act (Sexual Orientation)
Regulations (Northern Ireland) 2006**

Claims under regulations 5 to 17

36.—(1) A claim by any person (“the claimant”) that another person (“the respondent”) —

- (a) has committed an act against the claimant which is unlawful by virtue of any provision contained within regulations 5 to 17; or
- (b) is by virtue of regulation 23 and regulation 24 to be treated as having committed such an act against the claimant,

may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty.

(2) Proceedings under paragraph (1) shall be brought only in a county court; but all such remedies shall be obtainable in such proceedings as, apart from this paragraph and regulation 35, would be obtainable in the High Court.

(3) As respects an unlawful act of discrimination falling within regulation 3(1)(b) or 3(1)(c), no award of damages shall be made if the respondent proves that the requirement or condition in question, or as the case may be provision, criteria or practice, was not applied with the intention of treating the claimant unfairly on the grounds of sexual orientation.

(4) Damages in respect of an unlawful act of discrimination may include compensation for injury to feelings whether or not they include compensation under any other head.

(5) Civil proceedings in respect of a claim by any person that he has been discriminated against in contravention of regulations 9 and 10 by a body to which regulation 11(1) applies shall not be instituted unless —

- (a) the claimant has given notice to the Department of Education; and
- (b) either —
 - (i) the Department of Education has by notice informed the claimant that it does not need further time to consider the matter; or
 - (ii) the period of 2 months has elapsed since the claimant gave notice to the Department of Education.

(6) Nothing in paragraph (5) applies —

- (a) to a claim against the Department of Education; or
- (b) a counterclaim.

(7) For the purposes of proceedings under paragraph (1) —

- (a) Article 33(1) (power of judge to appoint assessors) of the County Courts (Northern Ireland) Order 1980(1) shall apply with the omission of the words “on the application of any party”; and

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- (b) the remuneration of assessors appointed under that Article shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury and may be defrayed as part of the expenses of the Lord Chancellor.
- (8) A county court shall have jurisdiction to entertain proceedings under paragraph (1) with respect to an act done on a ship, aircraft or hovercraft outside its division, including such an act done outside Northern Ireland.
- (9) A county court shall have jurisdiction to entertain proceedings under these Regulations with respect to an act done outside the United Kingdom where regulation 12 applies in relation to such an act by virtue of regulation 54(2).