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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

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

**PART II**

**FUNCTIONS OF THE EQUALITY COMMISSION**

*Appeals and legal proceedings in relation to undertakings and directions*

**Failure to comply with order of Tribunal**

**17.**—(1) Paragraph (3) applies where the Tribunal determines that a person (in this Article referred to as “the respondent”)—

- (a) has failed to comply with a requirement to attend before the Tribunal included in an order under Article 16(3)(a); or
- (b) has failed to comply to the satisfaction of the Tribunal with any term included in such an order by virtue of Article 16(4)(a) or (b).

(2) The Tribunal shall not make a determination under paragraph (1) until the end of the period within which notice of an appeal to the Court of Appeal under Article 90 against the order in question may be given or, if notice of such an appeal is given within that period, until the appeal is abandoned or determined.

(3) Where this paragraph applies, the President or Vice-President may—

- (a) certify the failure to the High Court; or
- (b) require the respondent to pay to the Department a pecuniary penalty of an amount not exceeding £40,000.

(4) Where the President or Vice-President has certified a failure under paragraph (3)(a), the High Court may deal with the respondent as if the relevant order of the Tribunal had been an order of the High Court.

(5) The Judgments Enforcement (Northern Ireland) Order 1981 shall apply with the necessary modifications in relation to a penalty imposed under paragraph (3)(b) as it applies to a sum due to the Crown under a money judgment (within the meaning of that Order).

(6) If it appears to the Department that there has been a change in the value of money since the relevant date, it may by order substitute for the sum for the time being specified in paragraph (3)(b) such other sum as appears to it to be justified by the change.

(7) In paragraph (6) “the relevant date” means—

- (a) in relation to the first order under that paragraph, the coming into operation of this Article; and
- (b) in relation to each subsequent order, the last occasion when the sum specified in paragraph (3)(b) was altered.

(8) The Department shall pay into the Consolidated Fund any sums received in respect of penalties under this Article.