



Sex Discrimination Act 1975

1975 CHAPTER 65

PART VII

ENFORCEMENT

Other enforcement by Commission

72 Enforcement of ss. 38 to 40

- (1) Proceedings in respect of a contravention of section 38, 39 or 40 shall be brought only by the Commission in accordance with the following provisions of this section.
- (2) The proceedings shall be—
 - (a) an application for a decision whether the alleged contravention occurred, or
 - (b) an application under subsection (4) below,or both.
- (3) An application under subsection (2)(a) shall be made—
 - (a) in a case based on any provision of Part II, to an industrial tribunal, and
 - (b) in any other case to a county court or sheriff court.
- (4) If it appears to the Commission—
 - (a) that a person has done an act which by virtue of section 38, 39 or 40 was unlawful, and
 - (b) that unless restrained he is likely to do further acts which by virtue of that section are unlawful,the Commission may apply to a county court for an injunction, or to a sheriff court for an order, restraining him from doing such acts; and the court, if satisfied that the application is well-founded, may grant the injunction or an order in the terms applied for or more limited terms.
- (5) In proceedings under subsection (4) the Commission shall not allege that the person to whom the proceedings relate has done an act which is unlawful under this Act and

Status: This is the original version (as it was originally enacted).

within the jurisdiction of an industrial tribunal unless a finding by an industrial tribunal that he did that act has become final.