

*Status: Point in time view as at 27/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Period within which proceedings must be brought. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### SECTIONS [F117A(8)] AND 25(6)[F1, 31ADA] ENFORCEMENT AND PROCEDURE

##### Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

##### Textual Amendments

- F1** Sch. 3: word in side note substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **29(2)(a)** and same word substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **28(2)(a)**
- F1** Sch. 3: word in sidenote inserted (E.W.S.) (1.9.2007) by [The Disability Discrimination Act 1995 \(Amendment etc.\) \(General Qualifications Bodies\) \(Alteration of Premises and Enforcement\) Regulations \(S.I. 2007/2405\)](#), regs. 1(2), 4(2)

### PART I

#### EMPLOYMENT

##### *Period within which proceedings must be brought*

- 3 [F1(1) An [F2employment tribunal] shall not consider a complaint under [F3section 17A or 25(8)] unless it is presented before the end of the period of three months beginning when the act complained of was done.
- [F4(1A) Article 249B of the Employment Rights (Northern Ireland) Order 1996 (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of sub-paragraph (1)(a).
- (1B) Sub-paragraphs (1) and (1A) shall be treated as provisions of the Employment Rights (Northern Ireland) Order 1996 for the purposes of Article 249B of that Order.]
- (2) A tribunal may consider any such complaint which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (3) For the purposes of sub-paragraph (1)—
- where an unlawful act <sup>F5</sup>. . . is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;
  - any act extending over a period shall be treated as done at the end of that period; and

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- (c) a deliberate omission shall be treated as done when the person in question decided upon it.
- (4) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—
- (a) when he does an act inconsistent with doing the omitted act; or
  - (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.]

#### **Extent Information**

- E1** Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to N.I. only.

#### **Textual Amendments**

- F1** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), [Sch. 2](#)) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), [art. 16](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(f\)](#) (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), [art. 2\(h\)](#)
- F2** Words in Sch. 3 para. 3 substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)](#) (with s. 16(2))
- F3** Words in Sch. 3 para. 3(1) substituted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), [regs. 1\(2\)\(3\)](#), [29\(2\)\(c\)](#) and said words substituted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [28\(2\)\(d\)](#)
- F4** Sch. 3 para. 3(1A)(1B) inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), s. 29(2), [Sch. 2 para. 11](#); [S.R. 2020/1](#), [art. 2\(n\)](#)
- F5** Words in Sch. 3 para. 3(3)(a) omitted (E.W.S.) (3.7.2003 for certain purposes, otherwise 1.10.2004) by virtue of [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), [regs. 1\(2\)\(3\)](#), [29\(2\)\(d\)](#) and said words omitted (N.I.) (21.2.2004 for certain purposes, otherwise 1.10.2004) by virtue of the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), [regs. 1\(2\)\(3\)](#), [28\(2\)\(e\)](#)

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