



Northern Ireland Act 1998

1998 CHAPTER 47

PART VII

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

Equality of opportunity

76 Discrimination by public authorities.

- (1) It shall be unlawful for a public authority carrying out functions relating to Northern Ireland to discriminate, or to aid or incite another person to discriminate, against a person or class of person on the ground of religious belief or political opinion.
- (2) An act which contravenes this section is actionable in Northern Ireland at the instance of any person adversely affected by it; and the court may—
 - (a) grant damages;
 - (b) subject to subsection (3), grant an injunction restraining the defendant from committing, causing or permitting further contraventions of this section.
- (3) Without prejudice to any other power to grant an injunction, a court may grant an injunction under subsection (2) only if satisfied that the defendant—
 - (a) contravened this section on the occasion complained of and on more than one previous occasion; and
 - (b) is likely to contravene this section again unless restrained by an injunction.
- (4) This section does not apply in relation to any act or omission which is unlawful by virtue of the [F1Fair Employment and Treatment (Northern Ireland) Order 1998], or would be unlawful but for some exception made by virtue of [F1Part VIII of that Order].
- (5) Subsection (1) applies to the making, confirmation or approval of subordinate legislation only if—
 - (a) the legislation contains a provision which discriminates against a person or class of person on the ground of religious belief or political opinion; and
 - (b) the provision extends only to the whole or any part of Northern Ireland.

Status: Point in time view as at 26/03/2001. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 76. (See end of Document for details)

- (6) Where it is alleged that subsection (1) applies to the making, confirmation or approval of subordinate legislation, subsection (2) shall not apply but the contravention may be relied upon in legal proceedings relating to the validity of the subordinate legislation.
- (7) The following are public authorities for the purposes of this section—
- (a) a Minister of the Crown;
 - (b) any department, corporation or body listed in Schedule 2 to the ^{M1}Parliamentary Commissioner Act 1967 (departments, corporations and bodies subject to investigation);
 - (c) any body listed in Schedule 2 to the ^{M2}Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation);
 - (d) any authority (other than a Northern Ireland department) listed in Schedule 2 to the ^{M3}Ombudsman (Northern Ireland) Order 1996 (departments and other authorities subject to investigation);
 - (e) the Police Authority for Northern Ireland, the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;
 - (f) the Probation Board for Northern Ireland; and
 - (g) [^{F2}a universal service provider (within the meaning of the Postal Services Act 2000) so far as carrying out functions in connection with the provision of a universal postal service (within the meaning of that Act)].

Textual Amendments

F1 Words in s. 76(4) substituted (1.3.1999) by S.I. 1998/3162 (N.I. 21), art. 105(1), **Sch. 3**; S.R. 1999/81, **art. 3(1)**

F2 Words in s. 76(7)(g) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 121**

Marginal Citations

M1 1967 c.13.

M2 S.I. 1996/1297 (N.I.7).

M3 S.I. 1996/1298 (N.I.8).

Status:

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