
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

PART VII

EQUAL OPPORTUNITIES COMMISSION FOR NORTHERN IRELAND

Investigations

Power to obtain information

59.—(1) For the purposes of a formal investigation the Commission, by a notice in the prescribed form served on him in the prescribed manner,—

- (a) may require any person to furnish such written information as may be described in the notice, and may specify the time at which, and the manner and form in which, the information is to be furnished;
 - (b) may require any person to attend at such time and place as is specified in the notice and give oral information about, and produce all documents in his possession or control relating to, any matter specified in the notice.
- (2) Except as provided by Article 69, a notice shall be served under paragraph (1) only where—
- (a) service of the notice was authorised by an order made by the Department of Manpower Services, or
 - (b) the terms of reference of the investigation state that the Commission believes that a person named in them may have done or may be doing acts of all or any of the following descriptions—
 - (i) unlawful^[F1] acts of discrimination or harassment],
 - (ii) contraventions of Article 38,
 - (iii) contraventions of Article 39, 40 or 41, and
 - (iv) acts in breach of a term modified or included by virtue of an equality clause,and confine the investigation to those acts.
- (3) A notice under paragraph (1) shall not require a person—
- (a) to give information, or produce any documents, which he could not be compelled to give in evidence, or produce, in civil proceedings before the High Court, or
 - (b) to attend at any place unless the necessary expenses of his journey to and from that place are paid or tendered to him.

(4) If a person fails to comply with a notice served on him under paragraph (1) or the Commission has reasonable cause to believe that he intends not to comply with it, the Commission may apply to a county court for an order requiring him to comply with it or with such directions for the like purpose as may be contained in the order; and if he fails without reasonable excuse to comply with

Changes to legislation: Sex Discrimination (Northern Ireland) Order 1976, Section 59 is up to date with all changes known to be in force on or before 15 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

any such order he may be dealt with by the county court as if he had failed to comply with a witness summons issued in accordance with county court rules.

(5) A person commits an offence if he—

- (a) wilfully alters, suppresses, conceals or destroys a document which he has been required by a notice or order under this Article to produce, or
- (b) in complying with such a notice or order, knowingly or recklessly makes any statement which is false in a material particular,

and shall be liable on summary conviction to a fine not exceeding^[F2] level 5 on the standard scale].

(6) Proceedings for an offence under paragraph (5) may (without prejudice to any jurisdiction exercisable apart from this paragraph) be instituted—

- (a) against any person at any place at which he has an office or other place of business;
- (b) against an individual at any place where he resides, or at which he is for the time being.

F1 SR 2005/426

F2 [1984 NI 3](#)

Changes to legislation:

Sex Discrimination (Northern Ireland) Order 1976, Section 59 is up to date with all changes known to be in force on or before 15 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 17 s.50](#)[Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)](#)[Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)](#)[Schs.56](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.3 rev. (prosp.) by [1998 c. 47 ss .99 100\(2\)](#) [Sch.13 para.2\(4\)](#). [Sch.15](#)
- Sch.6 para.2 rev. (prosp.) by [1998 c. 47 s. 100\(2\)](#)[Sch.15](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)](#)[Sch.9 para.37](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)](#)[Sch.9 para.37](#)
- art.54(2)(3)(4) rev. (prosp.) by [1998 c. 47 ss .99 100\(2\)](#) [Sch.13 para.2\(3\)\(b\)](#). [Sch. 15](#)