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## STATUTORY INSTRUMENTS

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# 1976 No. 1042

## Sex Discrimination (Northern Ireland) Order 1976

### PART VIII

### ENFORCEMENT

#### *Help for persons suffering discrimination*

#### **Help for aggrieved persons in obtaining information etc.**

74.—(1) With a view to helping a person ( “the person aggrieved”) who considers he may have been discriminated against<sup>[F1]</sup> or subjected to harassment] in contravention of this Order to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the<sup>[F2]</sup> Office of the First Minister and deputy First Minister] shall by order prescribe—

- (a) forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant;
- (b) forms by which the respondent may if he so wishes reply to any questions.

(2) Where the person aggrieved questions the respondent (whether in accordance with an order under paragraph (1) or not)—

- (a) the question, and any reply by the respondent (whether in accordance with such an order or not) shall, subject to the following provisions of this Article, be admissible as evidence in the proceedings;
- (b) if it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse omitted to reply within<sup>[F1]</sup> the period applicable under paragraph (2A)] or that his reply is evasive or equivocal, the court or tribunal may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.

<sup>[F1]</sup>(2A) The period applicable for the purposes of paragraph (2)(b) is—

- (a) eight weeks beginning with the day when the question was served on the respondent, if the question relates to discrimination under—
  - (i) any provision of Part III, <sup>F3</sup> . . .  
[ Article 30, 31 or 32, except in so far as it relates to an excluded matter; or]
- <sup>F4</sup>(ia)
  - (ii) any provision of Part IV, so far as it applies to vocational training;
- (b) a reasonable period, as regards any other question.]

(3) The<sup>[F2]</sup> Office of the First Minister and deputy First Minister] may by order—

- (a) prescribe the period within which questions must be duly served in order to be admissible under paragraph (2)( a), and

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**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Section 74 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*

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(b) prescribe the manner in which a question, and any reply by the respondent, may be duly served.

(4) County court rules may enable the court entertaining a claim under Article 66 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this Article or not.

(5) This Article is without prejudice to any other statutory provision or rule of law regulating interlocutory and preliminary matters in proceedings before a county court or industrial tribunal, and has effect subject to any statutory provision or rule of law regulating the admissibility of evidence in such proceedings.

*Para. (6) rep. by SI 1999/663*

(7) In this Article “respondent” includes a prospective respondent.

**F1** SR 2005/426

**F2** SI 1999/663

**F3** Word in art. 74(2A)(a)(i) omitted (6.4.2008) by virtue of [Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), regs. 1(1), 2(2), **Sch. 2 para. 18(a)** (with reg. 5(2))

**F4** Art. 74(2A)(a)(ia) inserted (6.4.2008) by [Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), regs. 1(1), 2(2), **Sch. 2 para. 18(b)** (with reg. 5(2))

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 74 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.

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**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.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](#)