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STATUTORY INSTRUMENTS

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**2000 No. 1110**

**The Equality (Disability, etc.) (Northern Ireland) Order 2000**

**PART II**

**DISABILITY DISCRIMINATION**

**Assistance in relation to proceedings**

**9.—(1)** This Article applies to—

- (a) proceedings which an individual has brought or proposes to bring under<sup>[F1]</sup> section 17A] or 25 of the 1995 Act (complaints and claims about unlawful discrimination<sup>[F1]</sup> or harassment] under Parts II and III); and
- <sup>[F2]</sup>(aa) proceedings which an individual has brought or proposes to bring under Article 22, 24 or 31 of the 2005 Order, or in proceedings under provision made under Article 38 of that Order (claims about unlawful discrimination under Part III of the 2005 Order); and]
- <sup>[F3]</sup>(ab) proceedings of any description to the extent that the question whether it is unreasonable for a landlord to withhold consent to the making of a relevant improvement to a dwelling house falls to be considered in the proceedings;]
- (b) proceedings of a description prescribed for the purposes of this paragraph, being proceedings in which an individual who has or has had a disability relies or proposes to rely on a matter relating to that disability.

(2) Where the individual concerned applies to the Commission for assistance in relation to any proceedings to which this Article applies, the Commission may grant the application on any of the following grounds—

- (a) that the case raises a question of principle;
  - (b) that it is unreasonable to expect the applicant to deal with the case unaided (because of its complexity, because of the applicant's position in relation to another party or for some other reason);
  - (c) that there is some other special consideration which makes it appropriate for the Commission to provide assistance.
- (3) If the Commission grants an application, it may—
- (a) provide or arrange for the provision of legal advice;
  - (b) arrange for legal or other representation (which may include any assistance usually given by a solicitor or counsel);
  - (c) seek to procure the settlement of any dispute;
  - (d) provide or arrange for the provision of any other assistance which it thinks appropriate.

(4) Paragraph (3)(b) does not affect the law and practice as to who may represent a person in relation to any proceedings.

[<sup>F4</sup>(4A) A relevant improvement is an improvement (within the meaning of section 49C(9) of the 1995 Act) to premises which, having regard to the disability which a disabled person who lawfully occupies or is intended lawfully to occupy the premises has, is likely to facilitate his enjoyment of the premises.]

(5) The Commission may authorise any employee of the Commission to exercise such of its functions under this Article as it may determine.

**F1** SR 2004/55

**F2** 2005 NI 6

**F3** Art. 9(1)(ab) inserted (31.12.2007) by Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1(2), **16(3)(a)**; S.R. 2007/466, **art. 2(2)(j)**

**F4** Art. 9(4A) inserted (31.12.2007) by Disability Discrimination (Northern Ireland) Order 2006 (S.I. 2006/312 (N.I. 1)), arts. 1(2), **16(3)(b)**; S.R. 2007/466, **art. 2(2)(j)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Equality (Disability, etc.) (Northern Ireland) Order 2000, Section 9.