

## SCHEDULES

### SCHEDULE 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS

**29.**—(1) Schedule 3 (enforcement and procedure) is amended as follows.

(2) In paragraph 2 (restriction on proceedings for breach of Part II of the Act), after sub-paragraph (2) insert—

“(3) Sub-paragraph (1) does not prevent the bringing of proceedings in respect of an offence under section 16B(2B).”

(3) In Part II (claims under section 25 to enforce Part III of the Act), after paragraph 6 insert—

#### *“Staying proceedings on section 21B claim affecting criminal matters*

**6A.**—(1) Sub-paragraph (2) applies where a party to proceedings under section 25 which have arisen by virtue of section 21B(1) has applied for a stay of those proceedings on the grounds of prejudice to—

- (a) particular criminal proceedings;
- (b) a criminal investigation; or
- (c) a decision to institute criminal proceedings.

(2) The court shall grant the stay unless it is satisfied that the continuance of the proceedings under section 25 would not result in the prejudice alleged.

#### *Restriction of remedies for section 21B claim relating to criminal matters*

**6B.**—(1) Sub-paragraph (2) applies to a remedy other than—

- (a) damages; or
- (b) a declaration.

(2) In proceedings under section 25, the remedy shall be obtainable in respect of a relevant discriminatory act only if the court is satisfied that—

- (a) no criminal investigation,
- (b) no decision to institute criminal proceedings, and
- (c) no criminal proceedings,

would be prejudiced by the remedy.

(3) In sub-paragraph (2) “relevant discriminatory act” means an act—

- (a) which is done, or by virtue of section 57 or 58 is treated as done by a person—
  - (i) in carrying out public investigator functions, or
  - (ii) in carrying out functions as a public prosecutor; and
- (b) which is unlawful by virtue of section 21B(1).”

**Changes to legislation:**

There are currently no known outstanding effects for the The Disability Discrimination (Northern Ireland) Order 2006, Paragraph 29.