
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 332

The Special Educational Needs and Disability (Northern Ireland) Order 2005 (Amendment) (Further and Higher Education) Regulations (Northern Ireland) 2006

Enforcement, remedies and procedures

12. After Article 31 insert—

“Enforcement of Articles 30B and 30C

31A.—(1) This Article applies to an act which is unlawful under Articles 30B or 30C.

(2) Legal proceedings in relation to an act to which this Article applies may only be brought by the Commission in accordance with this Article and may not be brought by anyone else.

(3) Where the Commission thinks that a person has done an act to which this Article applies the Commission may apply to a county court.

(4) On an application under paragraph (3) in respect of an alleged act to which this Article applies, the court shall determine whether the allegation is correct.

(5) The Commission may apply to a county court for an injunction restraining a person from doing an act to which this Article applies where—

(a) either—

(i) a court has determined under paragraph (4) that the person has done an act to which this Article applies, or

(ii) the Commission thinks that the person has done an act to which this Article applies, and

(b) the Commission thinks that if unrestrained the person is likely to do another act to which this Article applies.

(6) Paragraph (1) does not apply to an act which constitutes an offence.

(7) In this Article “the Commission” means the Equality Commission for Northern Ireland.

Enforcement of Articles 30B and 30C: supplemental matters

31B.—(1) An application under Article 31A(3) may be presented or made only—

(a) within the period of six months beginning with the date (or last date) on which the alleged unlawful act occurred, or

(b) with the permission of the court.

(2) A determination under Article 31A(4) shall not be relied upon by a county court in proceedings under Article 31A(5) while an appeal against the determination—

(a) is pending, or

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- (b) may be brought (disregarding the possibility of an appeal out of time with permission).
- (3) An application under Article 31A(5) may be made only—
 - (a) within the period of five years beginning with the date (or last date) on which the unlawful act referred to in that paragraph occurred, or
 - (b) with the permission of the court.”.