
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 439

**The Equality Act (Sexual Orientation)
Regulations (Northern Ireland) 2006**

Period within which proceedings to be brought

46.—(1) Subject to paragraph (2) a county court shall not consider a claim under these Regulations unless proceedings in respect of the claim are instituted before the end of —

- (a) a period of 6 months beginning when the act complained of was done; or
- (b) in a case to which regulation 36(5) applies, the period of 8 months so beginning.

(2) Where, in relation to proceedings or prospective proceedings by way of a claim under regulation 36, an application for assistance under regulation 45 is made to the Commission before the end of the period of 6 or, as the case may be, 8 months in sub-paragraph (a) or (b) of paragraph (1), the period allowed by that sub-paragraph for instituting proceedings in respect of the claim shall be extended by 2 months.

(3) A county court shall not consider an application under regulation 43(2)(a) unless it is made before the end of the period of 6 months beginning when the act to which it relates was done; and a county court shall not consider an application under regulation 43(4) unless it is made before the end of the period of 5 years so beginning.

(4) A court shall not consider an application under regulation 44(4) in relation to an undertaking under that regulation unless it is made before the end of the period specified in the undertaking by virtue of paragraph (3)(d) of that regulation.

(5) A court may nevertheless consider any such complaint, claim or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(6) For the purposes of this regulation —

- (a) when the inclusion of any term in a contract renders the making of the contract an unlawful act, that act shall be treated as extending throughout the duration of the contract; and
- (b) any act extending over a period shall be treated as done at the end of that period; and
- (c) a deliberate omission shall be treated as done when the person in question decided upon it.

(7) In the absence of evidence establishing the contrary a person shall be taken for the purposes of this regulation to decide upon an omission —

- (a) when he does an act inconsistent with doing the omitted act; or
- (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.