



# Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999)

## 1976 CHAPTER 25

### PART IV

#### OTHER UNLAWFUL ACTS

#### 33 Discriminatory advertisements.

- (1) It shall be unlawful to publish in Northern Ireland, or cause to be published there, an advertisement which indicates, or could reasonably be understood as indicating, an intention by a person to do an act which is unlawful by virtue of Part III.
- (2) Subsection (1) does not apply if the intended act would be prevented from being unlawful by any provision of Part V.

[<sup>F1</sup>(2A) Subsection (1) does not apply to the publisher of an advertisement in respect of the publication of the advertisement if the intended act would not be unlawful by virtue of Part III but for section 16(2)(b).]

- (3) The publisher of an advertisement which is unlawful by virtue of subsection (1) shall not be subject to any liability under that subsection in respect of the publication of the advertisement if he proves—
  - (a) that the advertisement was published in reliance on a statement made to him by the person who caused it to be published to the effect that, by reason of the operation of subsection (2), the publication would not be unlawful, and
  - (b) that it was reasonable for him to rely on the statement.
- (4) A person who knowingly or recklessly makes a statement such as is referred to in subsection (3)(a) which in a material respect is false or misleading shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 5 on the standard scale].

*Status: Point in time view as at 01/04/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part IV. (See end of Document for details)*

#### Textual Amendments

- F1** S. 33(2A) inserted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 52(1)  
**F2** Words substituted by virtue of S.I. 1984/703 (N.I. 3), arts. 5, 6

### 34 Accessories and incitement.

- (1) Any person who—
- (a) knowingly aids or incites, or
  - (b) directs, procures or induces,
- another to do an act which is unlawful by virtue of Part III or section 33 shall be treated for the purposes of this Act as if he, as well as that other, had done that act.
- (2) For the purposes of subsection (1) an employee or agent for whose act the employer or principal is liable under section 35 (or would be so liable but for section 35(3)) shall be deemed to aid the doing of the act by the employer or principal.
- (3) A person does not under this section knowingly aid another to do an unlawful act if—
- (a) he acts in reliance on a statement made to him by that other person that, by reason of any provision of this Act, the act which he aids would not be unlawful, and
  - (b) it is reasonable for him to rely on the statement.
- (4) A person who knowingly or recklessly makes a statement such as is referred to in subsection (3)(a) which in a material respect is false or misleading shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 5 on the standard scale].
- (5) An inducement consisting of an offer of benefit or a threat of detriment is not prevented from falling within subsection (1) because the offer or threat was not made directly to the person in question.

#### Textual Amendments

- F3** Words substituted by virtue of S.I. 1984/703 (N.I. 3), arts. 5, 6

### 35 Liability of employers and principals.

- (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority (whether express or implied and whether precedent or subsequent) of that other person shall be treated for the purposes of this Act as done by that other person as well as by him.
- (3) In proceedings brought under this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act or from doing in the course of his employment acts of the same description.

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*Status: Point in time view as at 01/04/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part IV. (See end of Document for details)*

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**Modifications etc. (not altering text)**

**C1** S. 35 modified by S.R. 1991/127, art. 3, Sch.

**36 Enforcement of s. 33.**

[<sup>F4</sup>(1) If it appears to the Commission—

- (a) that a person has done an act which by virtue of section 33 was unlawful, and
- (b) that unless restrained he is likely to do further acts which by virtue of that section are unlawful,

the Commission may apply to the High Court for an injunction restraining him from doing such acts.]

- (2) Where the act mentioned in subsection (1)(a) is a continuing act, the reference in subsection (1)(b) to further acts shall include a reference to the continuance of that act.

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**Textual Amendments**

**F4** S. 36(1) substituted by Fair Employment (Northern Ireland) Act 1989 (c. 32, SIF 43:1), s. 52(2)

**Status:**

Point in time view as at 01/04/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Fair Employment (Northern Ireland) Act 1976 (repealed 1.3.1999), Part IV.