



Fair Employment (Northern Ireland) Act 1976

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.
- (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 £400.

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 £400.
- (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.

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.

36 Enforcement of s. 33

- (1) If it appears to the Agency—
 - (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 Agency may apply to the county court for an order restraining him from doing such acts ; and the court, if satisfied that the application is well-founded and that in all the circumstances it is reasonable to do so, may make the order (to which section 46 shall apply).
- (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.