#### STATUTORY INSTRUMENTS

# 1999 No. 929

# Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999

# CHAPTER 3

## RULES ON APPLICATIONS UNDER SPECIFIC STATUES

#### PART XIII

#### SEX DISCRIMINATION ACT 1975

# Interpretation

3.13.1 In this Part-

"the Act" means the Sex Discrimination Act 1975(1); and

"the Commission" means the Equal Opportunities Commission established under section 53 of the Act.

## **Application**

- **3.13.2** This Part shall apply to the following proceedings under the Act:–
  - (a) an application by the Commission under section 59(4) for an order requiring a person to comply with a notice served on him under section 59(1);
  - (b) an appeal by a person under section 68(1) against a requirement of a non-discrimination notice served on him under section 67;
  - (c) an application by the Commission under section 71(1) for an order restraining a person from doing any of the acts referred to in that section;
  - (d) an application by the Commission under section 72(2) for a decision whether an alleged contravention of section 38, 39 or 40 has occurred;
  - (e) an application by the Commission under section 72(4) for an order restraining a person from doing any of the acts referred to in that section; and
  - (f) an application by a person under section 77(5)(2) for an order removing or modifying any term of a contract made unenforceable by section 77(2).

# **Taxation of Commission expenses**

**3.13.3** The expenses incurred by the Commission within the meaning and for the purposes of section 75(3) of the Act(3) shall be taxed by the auditor of the sheriff court in which the proceedings

<sup>(1) 1975</sup> c. 65.

<sup>(2)</sup> Section 77 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), Schedule 6, paragraph 1 and by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), sections 8, 9, 10, 15 and Schedule 1, paragraph 2.

<sup>(3)</sup> Section 75 was amended by the Industrial Tribunals Act 1996 (c. 17), Schedule 1, paragraph 3.

under the Act were taken or would have been taken but for any compromise or settlement, as if they were outlays incurred by a solicitor on behalf of the applicant.

# **Proceedings under section 66 of the Act**

- **3.13.4.**—(1) In a cause in which a breach of statutory duty under section 66(1) of the Act (proceedings for act of discrimination)(4) is averred, the sheriff may, of his own motion or on the motion of any party, appoint an assessor.
- (2) An assessor appointed under paragraph (1) shall be a person who the sheriff considers has special qualifications to be of assistance in determining a cause referred to in that paragraph.
- (3) In a cause referred to in paragraph (1), the pursuer shall send a copy of the initial writ by post by first class recorded delivery service to the Commission.

<sup>(4)</sup> Section 66 was amended by S.I. 1996/438.