
STATUTORY INSTRUMENTS

1997 No. 869

The Race Relations (Northern Ireland) Order 1997

PART IV

OTHER UNLAWFUL ACTS

Discriminatory advertisements

29.—(1) It is unlawful to publish or to cause to be published an advertisement which indicates, or might reasonably be understood as indicating, an intention by a person to do an act of discrimination, whether the doing of that act by him would be lawful or, by virtue of Part II or III, unlawful.

(2) Paragraph (1) does not apply to an advertisement—

- (a) if the intended act would be lawful by virtue of any of Articles 6(5), 8, 9(3) and (4), 12(3), 25(5), 34(3)(b), 35 to 38 and 40; or
- (b) if the advertisement relates to the services of an employment agency (within the meaning of Article 16(1)) and the intended act only concerns employment which the employer could by virtue of Article 6(5), 8 or 9(3) or (4) lawfully refuse to offer to persons against whom the advertisement indicates an intention to discriminate.

(3) Paragraph (1) does not apply to an advertisement which indicates that persons of any class defined otherwise than by reference to colour, race or ethnic or national origins are required for employment outside Northern Ireland.

(4) The publisher of an advertisement made unlawful by paragraph (1) shall not be subject to any liability under that paragraph 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 paragraph (2) or (3), the publication would not be unlawful; and
- (b) that it was reasonable for him to rely on the statement.

(5) A person who knowingly or recklessly makes a statement such as is mentioned in paragraph (4)(a) which in a material respect is false or misleading shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.