
STATUTORY INSTRUMENTS

1997 No. 869

The Race Relations (Northern Ireland) Order 1997

PART I

INTRODUCTORY

Racial discrimination

3.—(1) A person discriminates against another in any circumstances relevant for the purposes of any provision of this Order if—

- (a) on racial grounds he treats that other less favourably than he treats or would treat other persons; or
- (b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but—
 - (i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and
 - (ii) which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and
 - (iii) which is to the detriment of that other because he cannot comply with it.

[^{F1}(1A) A person also discriminates against another if, in any circumstances relevant for the purposes of any provision referred to in paragraph (1B), he applies to that other a provision, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but—

- (a) which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons;
- (b) which puts [^{F2}or would put] that other at that disadvantage; and
- (c) which he cannot show to be a proportionate means of achieving a legitimate aim.

(1B) The provisions mentioned in paragraph (1A) are—

- (a) Part II;
- (b) Articles 18 and 19;
- (c) Article 20A;
- (d) Articles 21 to 24;
- (e) Article 26;
- (f) Article 72 ZA; and
- (g) Part IV in its application to the provisions referred to in sub-paragraphs (a) to (f).

(1C) Where, by virtue of paragraph (1A), a person discriminates against another, paragraph (1)(b) does not apply to him.]

Changes to legislation: The Race Relations (Northern Ireland) Order 1997, Section 3 is up to date with all changes known to be in force on or before 06 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(2) For the purposes of this Order segregating a person from other persons on racial grounds is treating him less favourably than they are treated.

(3) A comparison of the case of a person of a particular racial group with that of a person not of that group under paragraph (1)^{F1} or (1A)] must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

F1 SR 2003/341

F2 Words in art. 3(1A)(b) inserted (11.1.2010) by [Race Relations Order \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/410\)](#), **reg. 2**

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Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 17 s.50 Sch.4 para.41](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.24](#)