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## STATUTORY INSTRUMENTS

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# 1997 No. 869

## The Race Relations (Northern Ireland) Order 1997

### PART VIII

#### ENFORCEMENT

##### *Enforcement of Part III*

#### **Claims under Part III<sup>F1</sup> etc]**

**54.—**(1) A claim by any person ( “the claimant”) that another person ( “the respondent”)—

- (a) has committed an act<sup>F1</sup> . . . against the claimant which is unlawful by virtue of Part III<sup>F1</sup> other than, (in relation to discrimination on grounds of race or ethnic or national origins, or harassment), Article 26]; or
- (b) is by virtue of Article 32 or 33 to be treated as having committed such an act<sup>F1</sup> . . . against the claimant,

may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty.

(2) Proceedings under paragraph (1) shall be brought only in a county court; but all such remedies shall be obtainable in such proceedings as, apart from this paragraph and Article 51(1), would be obtainable in the High Court.

(3) As respects an unlawful act of discrimination falling within Article 3(1)(b), no award of damages shall be made if the respondent proves that the requirement or condition in question was not applied with the intention of treating the claimant unfavourably on racial grounds.

(4) Damages in respect of an unlawful act of discrimination may include compensation for injury to feelings whether or not they include compensation under any other head.

(5) Civil proceedings in respect of a claim by any person that he has been discriminated against in contravention of Article 18 or 19 by a body to which Article 20(1) applies shall not be instituted unless—

- (a) the claimant has given notice of the claim to the Department of Education; and
  - (b) [<sup>F1</sup>in relation to a claim on grounds of colour or nationality] either—
    - (i) the Department of Education has by notice informed the claimant that it does not require further time to consider the matter; or
    - (ii) the period of 2 months has elapsed since the claimant gave notice to the Department of Education.
- (6) Nothing in paragraph (5) applies—
- (a) to a claim against the Department of Education; or
  - (b) to a counterclaim.
- (7) For the purposes of proceedings under paragraph (1)—

**Changes to legislation:** *The Race Relations (Northern Ireland) Order 1997, Section 54 is up to date with all changes known to be in force on or before 11 May 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*

- (a) Article 33(1) (power of judge to appoint assessors) of the County Courts (Northern Ireland) Order 1980 shall apply with the omission of the words “on the application of any party”, and
- (b) the remuneration of assessors appointed under that Article shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury and may be defrayed as part of the expenses of the Lord Chancellor.

(8) A county court shall have jurisdiction to entertain proceedings under paragraph (1) with respect to an act done on a ship, aircraft or hovercraft <sup>F2</sup>..., including such an act done outside Northern Ireland.

[<sup>F1</sup>(9) A county court shall have jurisdiction to entertain proceedings under this Order with respect to an act done outside the United Kingdom where Article 20A applies in relation to such an act by virtue of Article 27(1A).

(10) This Article has effect subject to Article 54A.]

**F1** SR 2003/341

**F2** Words in [art. 54\(8\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 113](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), [art. 2\(k\)\(m\)](#) (with [art. 3](#))

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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](#)