S C H E D U L E S

SCHEDULE 3

SECTIONS [F1 17A(8)] AND 25(6)[F1, 31ADA] ENFORCEMENT AND PROCEDURE

Extent Information

E1   In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Sch. 8; see s. 70(6)

Textual Amendments

F1   Sch. 3: word in side note substituted (E.W.S.) (3.7.2003 for certain purposes and otherwise 1.10.2004) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2) (3), **29(2)(a)** and same word substituted (N.I.) (21.2.2004 for certain purposes and otherwise 1.10.2004) by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004/55), regs. 1(2)(3), **28(2)(a)**

F1   Sch. 3: word in sidenote inserted (E.W.S.) (1.9.2007) by The Disability Discrimination Act 1995 (Amendment etc.) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations (S.I. 2007/2405), regs. 1(2), 4(2)

PART II

DISCRIMINATION IN OTHER AREAS

Period within which proceedings must be brought

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[F1(1) A county court or a sheriff court shall not consider a claim under section 25 unless proceedings in respect of the claim are instituted before the end of the period of six months beginning when the act complained of was done.

[F2(2) Where, in relation to proceedings or prospective proceedings under section 25, the dispute concerned is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by three months.]

(3) A court may consider any claim under section 25 which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

(4) For the purposes of sub-paragraph (1)—

(a)   where an unlawful act of discrimination is attributable to a term in a contract, that act is to be treated as extending throughout the duration of the contract;

(b)   any act extending over a period shall be treated as done at the end of that period; and

    (c)   a deliberate omission shall be treated as done when the person in question decided upon it.

(5) In the absence of evidence establishing the contrary, a person shall be taken for the purposes of this paragraph to decide upon an omission—

    (a)   when he does an act inconsistent with doing the omitted act; or

    (b)   if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.]

Extent Information

  E1   Following the repeal of this Act for E.W.S. by the Equality Act 2010, this provision now extends to Northern Ireland only and also has effect subject to the modification for Northern Ireland set out in Sch. 8 para. 50(3); see s. 70(6)

Textual Amendments

  F1   Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by Equality Act 2010 (c. 15), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by S.I. 2010/2279, **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said S.I. 2010/2279, **art. 16**); S.I. 2010/2317, **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); S.I. 2011/1066, **art. 2(h)**

  F2   Sch. 3 para. 6(2) substituted (E.W.S.) (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 56(1)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

Changes to legislation:
There are currently no known outstanding effects for the Disability Discrimination Act 1995, Cross Heading: Period within which proceedings must be brought.