

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 17B. (See end of Document for details)



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

[^{F1}THE EMPLOYMENT FIELD][^{F2} AND DISTRICT
COUNCILS][^{F3} AND MEMBERS OF LOCALLY-ELECTABLE AUTHORITIES]

[^{F4} Enforcement etc.]

[^{F5}17B Enforcement of sections [^{F6}16B(1)] and 16C **E+W+S**

^{F7}

Textual Amendments

F5 Ss. 17B, 17C inserted (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (S.I. 2003/1673), regs. 1(2)(3), **16(1)**

F6 Word in s. 17B substituted (E.W.S.) (5.12.2005) by Disability Discrimination Act 2005 (c. 13), ss. 19(1), 20(3)-(6), **Sch. 1 para. 10(1)(2)**; S.I. 2005/2774, **art. 3(j)**

F7 S. 17B repealed (E.W.S.) (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 44, **Sch. 4**; S.I. 2007/2603, **art. 2**

[^{F8}17B Enforcement of sections [^{F9}16B(1)] and 16C **N.I.**

- (1) Only the Commission may bring proceedings in respect of a contravention of section [^{F9}16B(1)] (discriminatory advertisements) or section 16C (instructions and pressure to discriminate).
- (2) The Commission shall bring any such proceedings in accordance with subsection (3) or (4).

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- (3) The Commission may present to an industrial tribunal a complaint that a person has done an act which is unlawful under section [F⁹16B(1)] or 16C; and if the tribunal finds that the complaint is well-founded it shall make a declaration to that effect.
- (4) Where –
- (a) a tribunal has made a finding pursuant to subsection (3) that a person has done an act which is unlawful under section [F⁹16B(1)] or 16C,
 - (b) that finding has become final, and
 - (c) it appears to the Commission that, unless restrained, he is likely to do a further act which is unlawful under [F¹⁰section 16B(1) or (as the case may be) section 16C],
- the Commission may apply to a county court for an injunction restraining him from doing such an act; and the court, if satisfied that the application is well-founded, may grant the injunction in the terms applied for or in more limited terms.
- (5) A finding of a tribunal under subsection (3) in respect of any act shall, if it has become final, be treated as conclusive by a county court upon an application under subsection (4).
- (6) A finding of a tribunal becomes final for the purposes of this section when an appeal against it is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought.
- (7) An industrial tribunal shall not consider a complaint under subsection (3) unless it is presented before the end of the period of six months beginning when the act to which it relates was done; and a county court shall not consider an application under subsection (4) unless it is made before the end of the period of five years so beginning.
- (8) A court or tribunal may consider any such complaint or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (9) The provisions of paragraph 3(3) and (4) of Schedule 3 apply for the purposes of subsection (7) as they apply for the purposes of paragraph 3(1) of that Schedule.
- (10) In this section “the Commission” means the Equality Commission for Northern Ireland.]

Extent Information

- E1** This section extends to Northern Ireland only; a separate s. 17B for England, Wales and Scotland only repealed (1.10.2010).

Textual Amendments

- F8** Ss. 17B, 17C inserted (N.I.) (21.2.2004 for certain purposes and 1.10.2004 otherwise) by the [Disability Discrimination Act \(Amendment\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/55\)](#), regs. 1(2)(3), **16(1)**
- F9** Word in s. 17B(1)(3)(4)(a) and heading substituted (N.I.) (31.12.2007) by The Disability Discrimination (Northern Ireland) Order ([S.I. 2006/312 \(N.I. 1\)](#)), arts. 1, 19(1), {Sch. 1 para. 9(2)}; [S.R. 2007/466](#), **art. 2(2)(l)**
- F10** Words in s. 17B(4)(c) substituted (N.I.) (31.12.2007) by [The Disability Discrimination \(Northern Ireland\) Order 2006 \(S.I. 2006/312 \(N.I. 1\)\)](#), arts. 1, 19(1), **Sch. 1 para. 9(3)**; [S.R. 2007/466](#), **art. 2(2)(l)**

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