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STATUTORY INSTRUMENTS

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**2003 No. 1673**

**The Disability Discrimination Act  
1995 (Amendment) Regulations 2003**

**PART 2**

**AMENDMENTS TO THE 1995 ACT**

**Enforcement of sections 16B and 16C; validity of contracts, collective agreements and rules of undertakings**

**16. —**

(1) After section 17A (enforcement), the former section 8 moved, renumbered and amended by regulation 9, insert the following sections—

**“Enforcement of sections 16B and 16C**

**17B**

(1) Only the Disability Rights Commission may bring proceedings in respect of a contravention of section 16B (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).

(3) The Commission may present to an employment tribunal a complaint that a person has done an act which is unlawful under section 16B 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 16B 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 that section,

the Commission may apply to a county court for an injunction, or (in Scotland) to a sheriff court for an interdict, restraining him from doing such an act; and the court, if satisfied that the application is well-founded, may grant the injunction or interdict 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 or sheriff 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(6) A finding of a tribunal becomes final for the purposes of this section when an appeal against it is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought.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 employment 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 or sheriff 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.

**Validity of contracts, collective agreements and rules of undertakings**

17C Schedule 3A shall have effect.”.

(2) After Schedule 3, insert the Schedule set out in the Schedule to these Regulations.