
STATUTORY INSTRUMENTS

2007 No. 2405

The Disability Discrimination Act 1995 (Amendment etc.) (General Qualifications Bodies) (Alteration of Premises and Enforcement) Regulations 2007

PART 2

Amendments to the Disability Discrimination Act 1995

Further provision about enforcement etc.

- 4.—(1) Schedule 3 to the 1995 Act (enforcement and procedure) is amended as follows.
- (2) In the side note, after “25(6)” insert “, 31ADA”.
- (3) After Part 4 insert—

“Part 5

Discrimination in General Qualifications Bodies

Restriction on proceedings for breach of Part 4, Chapter 2A

16.—(1) Except as provided by section 31ADA, no civil or criminal proceedings may be brought against any person in respect of an act merely because the act is unlawful under Chapter 2A of Part 4.

- (2) Sub-paragraph (1) does not prevent the making of an application for judicial review.

Period within which proceedings must be brought

17.—(1) A county court or a sheriff court shall not consider a claim under section 31ADA 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.

(2) If, in relation to proceedings or prospective proceedings under section 31ADA, the dispute concerned is referred to 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 of six months allowed by that sub-paragraph shall be extended by three months.

(3) A court may consider any claim under section 31ADA 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) if an unlawful act 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.

Evidence

18.—(1) In any proceedings under section 31ADA, a certificate signed by or on behalf of a Minister of the Crown and certifying that any conditions or requirements specified in the certificate—

- (a) were imposed by a Minister of the Crown, and
- (b) were in operation at a time or throughout a time so specified,

is conclusive evidence of the matters certified.

(2) In any proceedings under section 31ADA, a certificate signed by or on behalf of the Scottish Ministers and certifying that any conditions or requirements specified in the certificate—

- (a) were imposed by a member of the Scottish Executive, and
- (b) were in operation at a time or throughout a time so specified,

is conclusive evidence of the matters certified.

(3) In any proceedings under section 31ADA, a certificate signed by or on behalf of the Welsh Ministers and certifying that any conditions or requirements specified in the certificate—

- (a) were imposed by them, and
- (b) were in operation at a time or throughout a time so specified,

is conclusive evidence of the matters certified.

(4) A document purporting to be such a certificate as is mentioned in sub-paragraph (1), (2) or (3) is to be—

- (a) received in evidence; and
- (b) deemed to be such a certificate unless the contrary is proved.”