

2007 No. 261

SEXUAL ORIENTATION DISCRIMINATION

**THE EQUALITY ACT (SEXUAL ORIENTATION)
(AMENDMENT No 2) REGULATIONS (NORTHERN
IRELAND) 2007**

Made - - - - - *30th April 2007*

Coming into operation - - - - - *1st June 2007*

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Office of the First Minister and deputy First Minister makes the following Regulations in exercise of the powers conferred by section 82(1), (3), (4) and (5) of the Equality Act 2006^(a) and in all other powers enabling it in that behalf.

Citation and commencement

1.—(1) These Regulations may be cited as the Equality Act (Sexual Orientation) (Amendment No 2) Regulations (Northern Ireland) 2007.

(2) These Regulations shall come into effect on 1 June 2007.

Amendment to regulation 2(4) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006(b)

2.—(1) In regulation 2(4), following the definition of “education”, insert the following definition for “final”—

“final” shall be construed in accordance with regulation 2(5).

(2) Following the definition of “premises”, insert the following definition for “prescribed”—

“prescribed” means prescribed by regulations made by the Department.

New paragraph (5) to regulation 2 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

3. Insert at the end of regulation 2 a new paragraph (5) as follows—

“For the purposes of these Regulations a non-discrimination notice or a finding by the court becomes final when —

- (a) an appeal against the notice or finding is dismissed, withdrawn or abandoned; or
- (b) the time for appealing expires without an appeal having been brought;

and for the purposes of subparagraph (a) an appeal against a non-discrimination notice shall be taken to be dismissed if, notwithstanding that a requirement of the notice is quashed on appeal, a direction is given in respect of it under regulation 38.”

Amendment to regulation 4(1)(b) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

4. In regulation 4(1)(b) for the word “proceedings” substitute the words “proceedings brought under these Regulations”.

Amendments to regulation 16(8) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

5. —(1) In regulation 16(8) following the word “organisation” insert “of the kind referred to in paragraph (1) or any person acting on its behalf or under its auspices —”

(2) At the end of the final sentence following the words “paragraph (1)” insert “or, if different, the person making that provision.”

Amendment to regulation 29(2) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

6. In regulation 29(2) following the word “services” insert “in respect of the field of housing”.

Amendment to regulation 52(2) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

7. In regulation 52(2) for the words “from the respondent” substitute the words “that the respondent”

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 30th April 2007



Gerry Mulligan

A senior officer of the Office of the First Minister and deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 82 of the Equality Act 2006, amend the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 (SR 2006/439)

Regulation 2 of these Regulations adds two new definitions to the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006.

The Regulations contain several references to notices or decisions having become final (see regulations 37(4) and (7), 39(1)(b), 40(1), 41, 43(5) and 47(1) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006). Regulation 3 of these Regulations clarifies what is meant by a notice or decision becoming final.

Regulation 4 of these Regulations clarifies that regulation 4(1)(b) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 is intended to be restricted to cases brought under those Regulations.

Regulation 5 of these Regulations amends regulation 16(8) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, clarifying to which organisations regulation 16(8) refers.

Regulation 6 of these Regulations defines the scope of regulation 29(1) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, so that it is clear that it only applies to the field of housing.

Regulation 7 of these Regulations corrects a typographical error in regulation 52(2) of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006.