STATUTORY RULES OF NORTHERN IRELAND

2004 No. 479

DISABLED PERSONS

The Disability Discrimination (Questions and Replies) Order (Northern Ireland) 2004

Made - - - -	*18th November 2004*
Coming into operation	*27th December 2004*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred upon it by section 56(2) and (4) and section 67(3) of the Disability Discrimination Act 1995(**1**) and now vested in it(**2**) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Disability Discrimination (Questions and Replies) Order (Northern Ireland) 2004 and shall come into operation on 27th December 2004.

(2) In this Order –

"the Act" means the Disability Discrimination Act 1995;

"tribunal" means an industrial tribunal.

(3) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Revocation

2. The Disability Discrimination (Questions and Replies) Order (Northern Ireland) 1996(**4**) is hereby revoked.

Forms for questions and replies

3. The forms set out in Schedules 1 and 2 are hereby prescribed for the purposes of section 56 of the Act as forms –

(**1**) 1995 c. 50; sections 56(2), 56(4) and 67(3) are modified in their application to Northern Ireland by paragraphs 38 and 46 of Schedule 8. With effect from 1st October 2004, section 56 is amended by regulation 22 of the Disability Discrimination Act 1995 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 55)
(**2**) *See* also S.R. 1999 No. 481, Article 4(a) and Schedule 2, Part I for transfer of functions
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1996 No. 532

(a) by which a complainant may question a respondent on his reasons for doing any relevant act, or any other matter which is or may be relevant; and

(b) by which the respondent may if he wishes reply to any questions.

Period for service of questions

4. In proceedings before a tribunal, a question shall only be admissible as evidence in pursuance of section 56(3) of the Act –

(a) where it was served before a complaint had been presented to a tribunal, if it was so served within the period of three months beginning when the act complained of was done; or

(b) where it was served after a complaint had been presented to a tribunal –

(i) if it was served within the period of twenty-eight days beginning with the day on which the complaint was presented, or

(ii) if it was served with the leave of a tribunal, within the period specified by that tribunal.

Manner of service of questions and replies

5. A question, or as the case may be, a reply may be duly served –

(a) where the person to be served is the respondent, by delivering the question to him, or by sending it by post to him at his usual or last known residence or place of business; or

(b) where the person to be served is the complainant, by delivering the reply to him, or sending it by post to him at his address for reply as stated by him in the document containing the questions or, if no address is so stated, at his usual or last known residence; or

(c) where the person to be served is a body corporate or is a trade union or employers' association within the meaning of the Industrial Relations (N.I.) Order 1992(**5**), by delivering it to the secretary or clerk of the body, union, or association at its registered or principal office or by sending it by post to the secretary or clerk at that office; or

(d) where the person to be served is acting by a solicitor, by delivering it at, or by sending it by post to, the solicitor's address for service.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 18th November 2004.

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

(**5**) S.I.1992/807 (N.I. 5)

SCHEDULE 1 Article 3

THE DISABILITY DISCRIMINATION ACT 1995 s. 56(2)(a)

Questionnaire of complainant