STATUTORY RULES OF NORTHERN IRELAND

2001 No. 6

DISABLED PERSONS

The Equality Commission (Time Limits) Regulations (Northern Ireland) 2001

Made - - - -	*15th January 2001*
Coming into operation	*26th February 2001*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred on it by Article 14(1) of, and paragraphs 15(3), 16(3), 16(4), 17(4), 18(2), 18(3) and 26(*a*) of Schedule 1 to, the Equality (Disability, etc.) (Northern Ireland) Order 2000(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Equality Commission (Time Limits) Regulations (Northern Ireland) 2001 and shall come into operation on 26th February 2001.

(2) In these Regulations—

the "Order" means the Equality (Disability, etc.) (Northern Ireland) Order 2000;

the "annual report" means the report submitted by the Commission to the Office in accordance with paragraph 5 of Schedule 8 to the Northern Ireland Act 1998(**2**);

an "information notice" means a notice served by the Commission under paragraph 4(1) of Schedule 1 (power to obtain information for the purposes of a formal investigation);

the "investigation report" means the report which the Commission is required to prepare of its findings in a formal investigation under paragraph 7 of Schedule 1;

the "reporting period" means eighteen months beginning with the day on which notice of the holding of the investigation and the terms of reference is first served or published in accordance with sub-paragraph (3) or (4) of paragraph 2 of Schedule 1, as the case may be;

"Schedule 1" means Schedule 1 to the Order; and

the "terms of reference" means the terms of reference for a formal investigation which are required to be drawn up under paragraph 2 of Schedule 1.

(**1**) S.I.2000/1110 (N.I. 2); *see* the definition of "prescribed" in Article 3(1)
(**2**) 1998 c. 47; paragraph 5 of Schedule 8 is amended by Article 19 of S.I. 2000/1110 (N.I. 2); *see also*S.R. 1999 No. 481, Article 4(*a*) and Schedule 2, Part I for transfer of functions

Time limit for completion of formal investigation by Commission

2.—(1) Subject to paragraph (5), paragraph (3) shall apply where the Commission fails—

(a) where it has decided to conduct a formal investigation, to publish the investigation report; or

(b) where the Office has directed it to conduct a formal investigation, to serve the investigation report on the Office,

before the expiration of the period specified in paragraph (2).

(2) The period referred to in paragraph (1) is—

(a) the reporting period; or

(b) where one or more extended periods are allowed under paragraph (4), that extended period or the last of those extended periods, as the case may be.

(3) Where this paragraph applies—

(a) any requirement contained in a non-discrimination notice served by the Commission in relation to the formal investigation shall cease to have effect;

(b) any requirement contained in an information notice served in relation to the formal investigation which has not yet been complied with shall cease to have effect; and

(c) no steps or further steps may be taken by the Commission in the conduct of the formal investigation.

(4) The Office may allow to the Commission—

(a) such extended period for the purpose of taking steps or further steps in the conduct of a formal investigation as the Office may specify; or

(b) where an extended period has already been allowed once or more than once under this paragraph, such further extended period for that purpose as the Office may specify.

(5) Where the reporting period or any extended period allowed under paragraph (4) has started to run, it ceases to run during any period beginning with the day specified in an information notice for compliance with the notice and ending with the day on which the notice is fully complied with.

(6) The Commission shall include in its annual report—

(a) a statement of any extended period which was allowed under paragraph (4) during the financial year to which the annual report relates;

(b) a statement of any suspension of a period by virtue of paragraph (5) which has occurred during that financial year; and

(c) where paragraph (3) has applied in relation to any formal investigation during that financial year—

(i) a statement of that fact; and

(ii) a statement of the reasons for the failure to publish or serve the investigation report as specified in paragraph (1).

(7) For the purposes of paragraphs (3)(*c*) and (4), and without prejudice to the generality thereof, "steps" includes—

(a) the service of a non-discrimination notice; and

(b) the preparation, publication or service of an investigation report.