STATUTORY RULES OF NORTHERN IRELAND

1999 No. 463

FAIR EMPLOYMENT

Fair Employment and Treatment (Questions and Replies) Regulations (Northern Ireland) 1999

Made - - - -	*18th November 1999*
Coming into operation	*23rd December 1999*

The Department of Economic Development, in exercise of the powers conferred on it by Articles 44(1) and (3) and 104(3) of the Fair Employment and Treatment (Northern Ireland) Order 1998(**1**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fair Employment and Treatment (Questions and Replies) Regulations (Northern Ireland) 1999 and shall come into operation on 23rd December 1999.

(2) In these Regulations "the Order" means the Fair Employment and Treatment (Northern Ireland) Order 1998.

Forms for asking and answering questions

2. The forms respectively set out in Schedules 1 and 2 are, respectively, hereby prescribed pursuant to Article 44(1) of the Order as forms—

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

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

Period for service of questions — county court cases

3.—(1) Subject to paragraph (2), in proceedings before a county court a question shall only be admissible as evidence in pursuance of Article 44(2)(*a*) of the Order—

(a) where it was served before those proceedings had been instituted, if it was so served during the period of six months beginning with the day on which the act complained of was done; or

(**1**) S.I.1998/3162 (N.I. 21)

(b) where it was served when those proceedings had been instituted, if it was served with the leave of, and within a period specified by, the court.

(2) Paragraph (1) shall not apply where the act complained of was done before the coming into operation of these Regulations.

Period for service of questions — Tribunal cases

4. In proceedings before the Tribunal, a question shall only be admissible as evidence in pursuance of Article 44(2)(*a*) of the Order—

(a) where it was served before an originating application had been presented to the Tribunal, if it was so served before the end of the period of three months beginning with the day on which the person aggrieved first had knowledge or might reasonably be expected first to have had knowledge, of the act complained of, or before the end of the period of six months beginning with the day on which the act was done, whichever is the earlier;

(b) where it was served when an originating application had been presented to the Tribunal, either if it was so served within the period of twenty-one days beginning with the day on which the originating application was presented or if it was so served later with leave given, and within a period specified, by a direction of the Tribunal.

Manner of service of questions and replies

5. A question and any reply thereto may be served on the respondent or, as the case may be, on the person aggrieved—

(a) by delivering it to him; or

(b) by sending it by post to him at his usual or last known residence or place of business; 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 (Northern Ireland) Order 1992(**2**), 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; or

(e) where the person to be served is the person aggrieved, by delivering the reply, or sending it by post, to him at his address for reply as stated by him in the document containing the questions.

Revocation and saving

6.—(1) Subject to paragraph (2), the Fair Employment (Questions and Replies) Regulations (Northern Ireland) 1989(**3**) and the Fair Employment (Questions and Replies) (Amendment) Regulations (Northern Ireland) 1991(**4**) are hereby revoked.

(2) Notwithstanding paragraph (1) a question which, immediately before the coming into operation of these Regulations, would have been admissible as evidence in pursuance of Article 44(2)(*a*) of the Order in proceedings before the Tribunal by virtue of regulation 3 of the Fair Employment (Questions and Replies) (Amendment) Regulations (Northern Ireland) 1991, shall continue to be so admissible.

(**2**) S.I. 1992/807 (N.I. 5)
(**3**) S.R. 1989 No. 447
(**4**) S.R. 1991 No. 325

Sealed with the Official Seal of the Department of Economic Development on 18th November 1999.

R. Gamble
Assistant Secretary