STATUTORY RULES OF NORTHERN IRELAND

1996 No. 532

DISABLED PERSONS

The Disability Discrimination (Questions and Replies) Order (Northern Ireland) 1996

Made - - - -	*13th November 1996*
Coming into operation	*2nd December 1996*

The Department of Economic Development in exercise of the powers conferred on it by sections 56(2) and (4) and section 67(3) as modified by Schedule 8, paragraphs 38 and 46 of the Disability Discrimination Act 1995(**1**) hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Disability Discrimination (Questions and Replies) Order (Northern Ireland) 1996 and shall come into operation on 2nd December 1996.

(2) In this Order—

"the Act" means the Disability Discrimination Act 1995;

"tribunal" means an industrial tribunal.

Questions and replies

2. The forms respectively set out in Schedules 1 and 2 to this Order or forms to the like effect with such variation as the circumstances may require are, respectively, hereby prescribed as forms—

(a) by which the complainant may question the respondent on his reasons for doing or not doing any relevant act, or on 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 — tribunal cases

3. 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 served within the period of three months beginning when the act complained of was done or where the omission complained of first came to the attention of the complainant;

(**1**) 1995 c. 50

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

Manner of service of questions and replies

4. A question to the respondent may be served on him—

(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 acting by a solicitor, by delivering it at, or by sending it by post to, the solicitor's address for service.

5. The respondent may serve the reply on the complainant by delivering the reply, or sending it by post, to him at the address for reply as stated in the document containing the questions.

Sealed with the Official Seal of the Department of Economic Development on 13th November 1996.

W. A. N. Arbuthnot
Assistant Secretary

SCHEDULE 1

The Disability Discrimination Act 1995 s. 56(2)QUESTIONNAIRE OF COMPLAINANT

To ..... (name of person to be questioned)

of.....(address)

1.- (1) I ..... *(name of questioner)* of ..... *(address)* consider that you have discriminated against me contrary to the Disability Discrimination Act 1995 ("the Act") by unjustifiably

(see Note 1) (*a*) for a reason relating to my disability, treating me less favourably than people to whom that reason does not or would not apply, or

(see Note 2) (*b*) failing to take steps which it was reasonable to have to take to prevent your employment arrangements or premises putting me at a substantial disadvantage compared with people who are not disabled.

(2) (*Give details including a factual description of the treatment received or the failure complained of. Describe any relevant circumstances leading up to this and include any relevant dates or approximate dates*).

(3) I consider this treatment or failure on your part may have been unlawful [because ..... (*complete if you wish to give reasons, otherwise delete)*]

2. Do you agree that the statement in paragraph 1(2) above is an accurate description of what happened? If not, in what respect do you disagree or what is your version of what happened?

3. Do you accept that your treatment of me or any failure complained of was unlawful?

If not—

(*a*) why not,

(*b*) do you consider your treatment of me or your failure to act was reasonable in all the circumstances?

4. (*Any other questions you wish to ask*)

5. My address for any reply you may wish to give the questions raised above is [that set out in paragraph 1(1) above] [the following address .....].

..... (signature of questioner)

..... (date)