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**BILL
OF
RIGHTS
(Northern
Ireland)
ACT
1975**

**Presented
to the people
of N. Ireland
by N.I.C.R.A.**

April 1975



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RIGHTS
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ACT
1978

WHAT THE OTHERS HAVE SAID ABOUT A "BILL OF RIGHTS"

1. 'I beg to move, "That leave be given to bringing in a Bill to preserve the rights of the individual' - I cannot help thinking that it was somewhat inconsistent that this legislation was not brought in last year, because 1968 was designated as Human Rights Year, and to this the British Government officially subscribed."
Viscount Lambton introducing a Motion for leave to bring in a Bill of Rights into the House of Commons. 1969.
2. "My Lords, I beg leave to move the Motion standing in my name on the Order Paper:
"To call attention to the need for the protection of human rights and fundamental freedoms," - 'and here I use the words from the European Convention - "to the increasing power of the State in relation to the individual, to the threat to personal privacy resulting from technological advance; and to possible measures including the enactment of a Bill of Rights."
Lord Wade introducing his motion on "Human Rights - The State and the Individual" in the House of Lords in 1969.
3. "I am introducing a Bill of Rights, and if it or whatever issues from it were passed into law, it would be the first Bill of Rights since 1769".
Earl of Arran introducing his Bill of Rights to the House of Lords. 1970.
4. "I beg to move, that the Bill be now read a second time. The Bill would enable the humblest of our citizens and those who visit our shores to complain to a new tribunal, the National Tribunal of Human Rights of the violation, whether by public authority or by private organisation of those rights and freedoms which society believes should be protected, but which remain for the time being, outside the protection of the law
..... If my proposed Commission had existed at any time in the last decade with jurisdiction over Northern Ireland, might it not have provided that outlet for the frustrations which eventually fed themselves into violence?"
Mr. Sam Silkin MP, introducing his 'Protection of Human Rights' Bill to the House of Commons in 1971.
He is now Attorney General in the present Government.

5. A BILL OF RIGHTS - We propose the introduction of a precise and comprehensive Bill of Rights. This would include Rights as follows:-

FREEDOM OF SPEECH. This would not only include the spoken word but also the written word.

FREEDOM OF POLITICAL ASSOCIATION.

FREEDOM OF PRACTICE OF RELIGION.

FREEDOM FROM DISCRIMINATION ON RELIGIOUS GROUNDS:

FREEDOM OF THE PERSON AND THE RIGHT TO TRIAL."

6. HUMAN RIGHTS - Alliance considers that in any legislation passed at Westminster to set up a new structure of government for the province there should be incorporated a Bill of Rights, guaranteeing to all citizens their fundamental Human Rights based on the Universal Declaration of Human Rights."

7. BILL OF RIGHTS - 'Finally there is a wide body of opinion that a Bill of Rights should be enacted in Northern Ireland - There is much to commend this suggestion but in devising any Bill of Rights certain fundamental problems must first be faced, such as what rights are to be enshrined; whether they should be protected through the Courts or by a Body specially set up for that purpose; how to secure practical, effective, and speedy means of redress and compensation; and how to deal with those who consistently and deliberately infringe the rights of others. What is essential is that any provisions which might be incorporated in legislation should have a practical and not just a declaratory effect.'

8. "Consideration should be given to the enactment of a Bill of Rights."

9. "The first priority when the Convention meets should be to draw up a Bill of Rights as the foundation stone for any new constitution."

Ulster Unionist Party's
Proposal for the Darlington
Conference, September 1972.

Alliance Party Proposals
for the Darlington Con-
ference, September 1972.

"The Future of Northern
Ireland - A Paper for
Discussion." HMSO October
1972.

Gardiner Report. Cmnd
5847, p. 8, 1975.

Oliver Napier, Sunday News,
March 9th 1975.

10. "The Opposition is contemplating a Bill of Rights when it next comes to power. Sir Keith Joseph, Conservative spokesman on policy and research, indicated that in a speech to the Society of Conservative Lawyers yesterday."

11. "But Minority Rights in the Ulster situation require more institutionalised protection. This would almost certainly require a Bill of Rights comparable to that of the United States of America and in addition a Constitutional Court. This latter would be the final arbiter of the rights of people who would have access to its services and seek from it redress of any contravention of their rights."

12. BILL OF RIGHTS - The Alliance Party will be pressing for a Bill of Rights in the future constitution of Northern Ireland. Such a Bill of Rights must guarantee equality of citizenship to every person in the province and must be enforceable through the courts of law."

13. DEMOCRACY - A Bill of Rights should defend the victory gained against discrimination in housing - extend anti-discrimination legislation in public employment to private industry - defend the franchise victories particularly proportional representation in elections - provide for an unarmed civilian-controlled police service free from party political control - abolish all repressive and discriminatory legislation and permanently ban internment - establish the right of all political groups to freedom of organisation and expression - keep courts and judiciary removed from party political control."

14. The Communist Party proposes that the Convention should be used as a platform to express the needs of the working people and to draw up programmes in their interests:

- (i) To work out what are the basic essentials of a Bill of Rights which would be required to create democratic structures in Northern Ireland such as:

"The Times" March 18th
1975.

Doctor John Harbinson,
author of the recent book
on "The Unionist Party".

"Fortnight, 21st March 1975.

Alliance Party Manifesto
for the Convention.

Republican Clubs Manifesto
for the Convention.

Communist Party of Ireland
Manifesto for the Convention.

- (a) a democratic administration with powers to protect the interests of the working people as opposed to those of big business:
- (b) to ensure that the Courts and Police Force are geared to serve the interests of the working people.'

15. "My Lords I beg leave to introduce a Bill to amend the powers of a Parliament and Government of Northern Ireland, to make other provisions for equating the civil rights of citizens of Northern Ireland and to make provisions for proportional representation in Parliamentary and local government elections in Northern Ireland."

Lord Brockway, House of Lords, May 1971

16. "What with talk of a Bill of Rights and the future of our relationship with the EEC being in the melting pot, we are likely to be hearing a great deal from political propagandists in the coming months about "parliamentary sovereignty and on analysis it is Ministerial sovereignty and not parliamentary sovereignty at all that Sir Keith Joseph would be preserving by the "entrenchment" provision he recently proposed should be included in a Bill of Rights in this country. This would enable the Administration to "violate" any of the fundamental rights declared by such a Bill provided only that the particular legislation by which this result was effected put that fact expressly on record So if a Bill of Rights is to work, it will certainly have to do without the built-in impediment which Sir Keith Joseph proposes it should contain."

'New Law Journal, April 3, 1975 (Editorial).

LORD JUSTICE

SCARMAN said

Lord Justice Scarman said.....

"So long as English law is unable in any circumstances to challenge a statute it is in dangerous and difficult times at the mercy of the oppressive discriminatory statute.

Secondly, even when times are quiet and Parliament does not feel the need for so-called emergency legislation, the absence of entrenched provisions protecting human rights can have unacceptable consequences.

Do you think that the deeply disturbing practices of interrogation to which resort was had in Northern Ireland would have occurred, had British law possessed at the time a fully developed code of fundamental human rights? And if despite the existence of such a code men had been subjected to the oppressive and degrading interrogation techniques described in the Compton Report, would the United Kingdom now be standing at the bar of European justice, trying to explain that, though our law says nothing, yet it does provide a sufficient remedy

Without a Bill of Rights protected from repeal, amendment, or suspension by the ordinary processes of a bare Parliamentary majority controlled by the Government of the day, human rights will be at risk."

Lord Justice Scarman in his Hamlyn Lecture delivered at the London School of Oriental & African Studies, 4th December 1974.

FOREWORD

Since 1968, the subject of the necessity for a Bill of Rights for Northern Ireland has been raised fairly regularly, especially by the Northern Ireland Civil Rights Association. On two occasions a Bill has even been introduced at Westminster, as Private Members measures. This measure has from the beginning been supported by the British TUC and the Northern Committee of the Irish Congress of Trade Unions.

In recent months many more political parties, politicians and other organisations have stated that Northern Ireland must have a Bill of Rights.

Not just any kind of Bill of Rights will do, however. To be successful in ending political violence, and starting ordinary politics in this area, the Bill must:-

1. . Guarantee the freedom for political thought and activity for all citizens in N. Ireland.
2. Guarantee the end of repressive laws, which breach common law, and contravene international human rights legislation.
3. Guarantee the outlawing of discrimination against any citizen for reason of belief, religion, politics, sex, race or colour.
4. Guarantee the establishment of law enforcement agencies acceptable to the overwhelming majority of the citizens.

These guarantees must be accompanied by suitable and meaningful machinery for their implementation.

NICRA believes that our Legal Sub-Committee have produced such a Bill of Rights, and it is with a certain amount of pride, we introduce it to the public in Northern Ireland, the Republic of Ireland, Britain and the world in general.

We welcome your opinion on our draft, and trust you will agree that it must be passed to ensure peaceful and democratic advance, for our people.

If there is to be any chance of the Northern Ireland Convention working out any long lasting solution to the many and varied problems of this area, it must insist that Westminster passes such a Bill, as a framework for the future.

Executive Committee of N.I.C.R.A., Belfast, April, 1975.

BILL OF RIGHTS (NORTHERN IRELAND) ACT 1975

An Act to establish fundamental rights of subjects in Northern Ireland and to set out the functions of the Northern Ireland Constitution Court to enforce these rights.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART 1 PRELIMINARY

- | | | |
|----|--|-----------------------------|
| 1. | (a) Every citizen while in Northern Ireland is entitled to the rights set out in Part 2 of this Act (referred to as "fundamental rights") and shall be entitled to his fundamental rights without distinction of any kind such as race, colour, sex, religious belief, political belief, language, birth or other status. | Race Relations Act to apply |
| | (b) The Race Relations Act 1968 (England & Wales) shall have effect in Northern Ireland subject to the amendment thereto set out in Schedule 1 of this Act. | |
| 2. | (a) Each law of the realm shall be so construed and applied as not to abrogate, abridge, or infringe or to authorise the abrogation or infringement of any of these rights and freedoms recognised and declared in this Act. | Application |
| | (b) Any provision of a law of Northern Ireland whether passed or made before, on, or after the commencing day, that is inconsistent with a provision of this Act does not, to the extent of the inconsistency have any force or effect. | |
| | (c) The rights and freedoms set out in the Act are in addition to and not in derogation of, any other rights and freedoms of the individual under the laws of Northern Ireland and this Act is not intended to exclude or limit the operation of any of those laws in so far as they can operate concurrently with the provisions of this Act. | |

- (d) Any criminal offence established by an Act or Rule of law infringing any of the fundamental rights provided in this shall be void.
- (e) Any criminal offence established against any person whose rights are infringed while under arrest or in custody before trial shall be void.
- (f) Any person punished upon conviction of an offence void under any section of this Act shall have an enforceable right to compensation to be determined by the Constitutional Court set up under Part 3 of this Act.

PART 2 FUNDAMENTAL RIGHTS & FREEDOMS

- | | | |
|----|---|--|
| 3. | Everyone is entitled to the fundamental rights and freedoms as set out in this Part, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or status. | Entitlement to rights without distinction. |
| 4. | Everyone is entitled without any discrimination to the equal protection of the law. | Equal Protection of the law. |
| 5. | Men and women shall have equal rights and the same legal status in all spheres of social, state and private life. | Sex equality. |
| 6. | Persons belonging to ethnic or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture or to use their own language. | Minorities. |
| 7. | (a) Everyone shall have the right to freedom of thought, conscience, belief and religion. | Thought, Conscience and Religion. |
| | (b) The right shall include freedom to have or adopt no religion or a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship observance, practice and teaching. | |
| | (c) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. | |
| 8. | (1) Everyone shall have the right to hold opinions without interference. | Expression |

(2) Everyone shall have the right to freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any other media of his choice subject only to the law necessary for the respect of the reputation of others.

9. (1) Everyone shall have the right to:-

Political Expression

- (a) propagate or associate for the purpose of maintaining Northern Ireland as an integral part of the United Kingdom.
- (b) work or advocate the establishment of a single parliament for the whole of Ireland.
- (c) propagate or associate for the purpose of propagation of republican opinion.
- (d) work or advocate the establishment of one or more sovereign parliaments for Northern Ireland independent of Westminster.
- (e) propagate or associate for the purpose of propagation of loyalist opinion.
- (f) display flags or emblems of any country in friendly relations with the United Kingdom.

(2) In pursuance of subsection (1) it shall be illegal to administer in Northern Ireland as a condition of Public Office or employment, or in connection with any local or parliamentary election, any oath or test that is repugnant to the conscience of any person

- (a) wishing to propagate or associate for the purpose of maintaining Northern Ireland as an integral part of the United Kingdom; or
- (b) wishing to advocate or work for the establishment of a single parliament for the whole of Ireland; or
- (c) wishing to advocate or work for the establishment of one or more sovereign parliaments for Northern Ireland independent of Westminster.

10. Everyone shall have the right to assemble peaceably or to petition government for the redress of grievances.

Assembly

11. Everyone shall have the right and the opportunity

Voting and Public Office

- (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) to hold public office and to exercise all public functions established by law;

(c) if over the age of 18 to vote at genuine periodic elections which shall be held by secret ballot guaranteeing the free expression of the will of the electors according to the principle of proportional representation, each elector having one transferable vote as defined in subsection (d) of this section and each constituency shall return not fewer than five members.

(d) the expression "transferable vote" means a vote -

- (i) given so as to indicate the voter's preference for the candidates in order
- (ii) capable of being transferred to the next choice when the vote is not required to give a prior choice, the necessary number of votes, or when owing to the deficiency in the number of votes given to the prior choice, that choice is eliminated from the list of candidates.

(e) where the number of candidates contesting a bye-election exceeds that of two, each elector shall have one transferable vote.

(f) at any election of representatives of a local government area, the election shall be according to the principle of proportional representation, each elector having one transferable vote as defined in subsection (d) of this section and each electoral area shall return not fewer than five representatives and in any bye-election in which the number of candidates exceeds two, each elector shall have one transferable vote.

12. (a) Everyone born in Northern Ireland shall be able to move freely in and out of Northern Ireland unless lawfully detained by reason of criminal proceedings;

Movement

(b) Everyone lawfully within Northern Ireland shall have liberty of movement and freedom to choose his residence.

13. (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, correspondence, communications, nor to unlawful attacks on his honour and reputation.

Privacy

(2) Without limiting the generality of subsection (1), an unreasonable search or seizure is an unlawful interference with privacy.

(3) For the purposes of this section a search shall be deemed to be unreasonable unless lawfully made -

- (a) pursuant to an order made by a Magistrates Court

- (b) pursuant to a warrant for a search issued by a Magistrates Court or judicial officer on reasonable grounds, supported by oath or affirmation particularly describing the purpose of the search and who or what is to be searched. Before entry, a warrant outlining the reasonable ground and the purpose of the search must be shown to the owner of the premises.
- (4) No person shall have the right to remove or retain any property of another person from private premises without the permission of that person except:-
- (a) where he is authorised by warrant to remove particular property
 - (b) where he believes on reasonable grounds
 - (i) that an arrestable offence has been committed and
 - (ii) that the property is admissible evidence that such an offence has been committed and
 - (iii) that unless such property is removed or retained, such evidence will become unavailable.
- (5) A person's fingerprints may only be taken in the following circumstances:
- (a) if he is in lawful custody; and
 - (b) has been charged with a criminal offence; and
 - (c) an order has been made by a Magistrates Court permitting the obtaining of his fingerprints.
- (6) A person's fingerprints must be taken either in the presence of a Magistrate or a Chief Inspector of the Royal Ulster Constabulary.
- (7) If a person has either been discharged within the meaning of Section 45 of the Magistrates Courts Act 1964, acquitted, or if the charge against him has been dismissed, struck out or withdrawn, the fingerprints and all copies and records shall be destroyed immediately and in his presence if he so requests.
- (8) No one may be photographed by a Member of the Security Forces or Royal Ulster Constabulary unless he has been convicted of an offence or he is suspected on reasonable grounds of having committed a criminal offence.

- (9) No one shall be required to give any details of himself or his family in relation to their names, sex, age, occupation, profession, trade, employment, nationality, birthplace, race, language, place of abode, character of dwelling, condition as to marriage, relation to head of family, issue, education, professional and technical qualifications or religion, unless a census has been ordered by the Ministry of Finance.
14. (1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases:- Arrest
- (a) the lawful detention of a person after conviction by a court ;
 - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or the Northern Ireland Constitutional Court or in order to secure the fulfilment of any obligation prescribed by law;
 - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonable considered necessary to prevent his committing an offence or fleeing after having done so.
- (2) Anyone who is arrested shall be informed at the time of arrest of the reasons for his arrest and shall thereafter be promptly informed of any charges against him.
- (3) Anyone arrested on a criminal charge shall be brought within forty-eight hours before a court, judge or magistrate and shall be entitled to trial within a reasonable time or to release.
- (4) Anyone arrested on a criminal charge shall not be detained in custody unless it is thought necessary in order to secure his attendance at any Court hearing or to prevent the commission of a crime.
- (5) Excessive Bail shall not be required.
- (6) The burden of proving that the detention of a person in custody pending his trial is necessary, lies upon the person asserting that the detention is so necessary.
- (7) The release from custody of any person arrested on a criminal charge may be subject to guarantees to appear for trial.

- (8) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before the Northern Ireland Constitutional Court in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
- (9) Anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation.
15. When a person is in custody -
- (a) At his request he shall be able immediately to communicate with a lawyer of his own choosing and he shall be afforded adequate time and facilities to see his lawyer in private, and his doctor in private if he so requests.
- (b) he shall not be compelled to make any statement that may incriminate him; and
- (c) he shall be informed immediately after his arrest of the rights referred to in paragraphs (a) and (b).
- (d) where a child or young person is in custody in addition to his rights under paragraphs (a), (b), and (c), he shall be entitled to have a parent or person in loco parentis in his presence while he is in custody, and shall be informed immediately after his arrest of such a right.
16. Anyone charged with a criminal offence shall be tried within a reasonable time.
17. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
18. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
19. (1) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees:-
- (a) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing, and to be informed, if he does not have legal assistance, of his rights under this paragraph
- (b) to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it

Post Arrest
Procedures

Speedy Trial

Presumption of
Innocence

Public Trial

Fair Trial

- (c) to examine, or have examined the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (d) to have the free assistance of an interpreter if he cannot understand or speak the language used in court, and
- (e) not to be compelled to testify against himself or to confess guilt
- (f) to be tried by judge and jury if he so wishes if his sentence could amount to more than 9 months imprisonment
- (g) to equal rights with his accusers in respect of objections to individual jurors.

20. (1) Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher court or tribunal according to law.
- (2) When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the grounds that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
- (3) No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law.
21. (1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law, at the time when it was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed.
- (2) If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

Post-Trial
Procedures

Retrospective
Offences

22. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Punishment

23. (1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Convicted Prisoners'
Rights

- (2) Accused persons shall be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons.
- (3) A convicted prisoner shall be entitled to have the following rights:
 - (a) to consult a solicitor for the purpose of obtaining legal advice on his request
 - (b) to instruct a solicitor to institute proceedings on his behalf
 - (c) to all the incidents of his right to sue including the right to an independent medical examination by a surgeon of his own choice and the right to unfettered uncensored correspondence with his solicitor.
- (4) In any disciplinary hearings against a convicted prisoner, he shall be entitled to an independent impartial public hearing with the right to know the evidence against him in advance plus the right to consult a solicitor.
- (5) A convicted prisoner shall be entitled to parole in the following circumstances:
 - (a) marriage of a close relative
 - (b) death of a close relative
 - (c) serious illness of a close relative.
- (6) A convicted prisoner shall be entitled to vote in any and all elections or referenda conducted for Northern Ireland.

PART 3

ENFORCEMENT

- 24. (1) Jurisdiction is conferred on the Northern Ireland Constitutional Court to hear and determine civil proceedings instituted in that Court under this Act and that jurisdiction is exclusive of the jurisdiction of any other court.
- (2) Subsection (1) does not deprive a court of jurisdiction in a matter arising under this Act in a proceeding instituted in that Court otherwise than under this Act.
- (3) The jurisdiction of the Northern Ireland Constitutional Court under this Act shall be exercised by all five judges sitting at the same time.

Jurisdiction of Northern Ireland Constitutional Court

- 25. (1) Any person aggrieved by an Act that he considers to be a contravention of a provision of Part 2 may institute a proceeding against the person who did the act by way of civil action in the Northern Ireland Constitutional Court for a declaration that the act is a contravention of a provision of Part 2 and for any one or more of the remedies specified in sub-section (2).
- (2) Where in a proceeding instituted under sub-section (1) it is established to the reasonable satisfaction of the Court that the defendant has done an act (in this sub-section referred to as the "relevant act") that is a contravention of a provision of Part 2, the Court shall make a declaration to that effect and may grant all or any of the following remedies:-
 - (a) an injunction restraining the defendant from repeating the relevant act or from doing an act of a similar kind or from causing or permitting others to do acts of the same or a similar kind;
 - (b) an order directing the defendant to do a specified act, being an act directed to -
 - (i) placing a person aggrieved by the relevant act as nearly as practicable in the position in which he would be if the relevant act had not been done; or
 - (ii) otherwise avoiding a detriment to such a person resulting from the doing of the relevant act;
 - (c) if the doing of the relevant act resulted in the making of a contract or the relevant act was done in pursuance of a contract - an order cancelling the contract, varying any of the terms of the contract or requiring the repayment, in whole or in part, of an amount paid in pursuance of the contract;
 - (d) damages against the defendant in respect of-
 - (i) loss suffered by a person aggrieved by the relevant act, including loss of any benefit that that person might reasonably have been expected to obtain if the relevant act had not been done; and
 - (ii) loss of dignity, humiliation and injury to the feelings of a person aggrieved by the relevant act;
 - (e) an order setting aside or varying a judgment given in any court;

Remedies

- (f) an order quashing a conviction imposed by any court;
- (g) an order directing a new trial in a civil or criminal proceeding in any court;
- (h) such other relief as the Court thinks just, including an award of costs.

(3) Where a person is of the opinion that another person is about to do an act that would be a contravention of Part 2, being an act by which the first mentioned person would be aggrieved, the first mentioned person may institute a proceeding against the other person by way of civil action in the Northern Ireland Constitutional Court for a declaration that the act would be a contravention of a provision of Part 2 and for all or any of the remedies specified in sub-section (4).

(4) Where in a proceeding instituted under sub-section (3) it is established to the reasonable satisfaction of the Court that the defendant is about to do an act that would be a contravention of a provision of Part 2, the Court shall make a declaration to that effect and may grant all or any of the following remedies:-

- (a) an injunction restraining the defendant from doing the act or from doing an act of a similar kind or from causing or permitting others to do acts of the same or a similar kind; and
- (b) such other relief as the Court thinks just, including an award of costs.

26. (1) In this Act unless the contrary intention appears -
 "Court" means a court within the meaning of the Magistrates Court Act 1964 (Northern Ireland) and the County Courts Act 1964 (Northern Ireland).

Interpretation

"Northern Ireland Constitutional Court" means the Court established by the Northern Ireland Constitutional Court Act 1975.

(2) For the purposes of this Act, refusing or failing to do an act, or delaying for an unreasonable time the doing of an act, shall be deemed to be the doing of an act and a reference to an act includes a reference to such a refusal, failure or delay.

27. (1) This act may be cited as the Bill of Rights (Northern Ireland) Act 1975.

Short Title

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.

SCHEDULE 1.

In its application to Northern Ireland, the Race Relations Act 1968 shall have effect, subject to the following amendments:

- (i) in Section (1) of Section 1 of the Act there shall be added after the word "race" the words "religious belief"
- (ii) in Section (1) of Section 2 of the Act after the word "discrimination" there shall be added the words "Except on the grounds of religious belief alone."

Title: Bill of Rights (Northern Ireland) Act 1975

Organisation: Northern Ireland Civil Rights Association

Date: 1975

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