L.N. 3 of 2002

EQUAL OPPORTUNITIES (PERSONS WITH DISABILITY) ACT (CAP. 413)

Procedure for the Investigation of Complaints (Amendment) Regulations, 2002

IN exercise of the powers conferred by article 33 of the Equal Opportunities (Persons with Disability) Act, the Deputy Prime Minister and Minister for Social Policy has made the following regulations:–

Citation. L.N. 13 of 2001.

1. The title of these regulations is the Procedure for the Investigation of Complaints (Amendment) Regulations, 2002 and they shall be read and construed as one with the Procedure for the Investigation of Complaints Regulations, 2001, hereinafter referred to as "the principal regulations".

Amends regulation 2 of the principal regulations.

2. In regulation 2 of the principal regulations, the definition of "Registry" shall be deleted.

Substitutes regulation 5 of the principal regulations.

3. For regulation 5 of the principal regulations there shall be substituted the following:–

"Remedial action to be requested.

5. (1) When the Commission concludes that an unlawful act constitutes a breach of any provision of the Act, it shall communicate its conclusion to the interested parties by means of a registered letter requesting the said parties to undertake that remedial action necessary in the circumstances within a specified time limit and intimating them that in default, judicial action will be taken.

(2) The interested parties may request the Commission to extend the time limit if the circumstances of the case so warrant. Such a request shall be made within 15 days of receipt of the registered letter referred to in this regulation.

Request may be referred to Court.

6. In the event that the interested parties, having been served with a registered letter as provided for in regulation 5, fail to take the necessary remedial action within the specified time limit, or the time limit mutually agreed upon, the Commission may request the Court, by means of an application to be filed before the Civil Court, First Hall, to order the person mentioned in regulation 5 to undertake all necessary remedial action.

Arbitration proceedings.

Cap. 387.

7. On agreement being reached by the interested parties, any matter referred to in regulations 5 and 6 may be referred to arbitration in terms of the Arbitration Act."

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