
STATUTORY INSTRUMENTS

1975 No. 2048

SEX DISCRIMINATION

The Sex Discrimination (Questions and Replies) Order 1975

<i>Made</i>	- - - -	<i>5th December 1975</i>
<i>Laid before Parliament</i>		<i>16th December 1975</i>
<i>Coming into Operation</i>		<i>29th December 1975</i>

In exercise of the powers conferred on me by sections 74 and 81(4) of the Sex Discrimination Act 1975, and, so far as Article 5 is concerned, after consultation with the Council on Tribunals, I hereby make the following Order:—

Citation and operation

1. This Order may be cited as the Sex Discrimination (Questions and Replies) Order 1975 and shall come into operation on 29th December 1975.

Interpretation

2.—(1) In this Order “the Act” means the Sex Discrimination Act 1975.

(2) In this Order any reference to a court is a reference to a county court in England or Wales or a sheriff court in Scotland and any reference to a tribunal is a reference to an industrial tribunal.

(3) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Forms for asking and answering questions

3. 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 a person aggrieved may question a respondent as mentioned in subsection (1) (a) of section 74 of the Act;
- (b) by which a respondent may if he so wishes reply to such questions as mentioned in subsection (1)(b) of that section.

Period for service of questions—court cases

4. In proceedings before a court, a question shall only be admissible as evidence in pursuance of section 74(2)(a) of the Act—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

- (a) where it was served before those proceedings had been instituted, if it was so served during the period of six months beginning when the act complained of was done or, in a case to which section 66(5) of the Act applies, beginning when the restriction on the institution of proceedings imposed by that provision ceased to operate;
- (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.

Period for service of questions—tribunal cases

5. In proceedings before a tribunal, a question shall only be admissible as evidence in pursuance of section 74(2)(a) of the Act—

- (a) where it was served before a complaint had been presented to a tribunal, if it was so served within the period of three months beginning when the act complained of was done;
- (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

6. 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 Trade Union and Labour Relations Act 1974, 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.

Whitehall
5th December 1975

Roy Jenkins
One of Her Majesty's Principal Secretaries of
State
Home Office

SCHEDULE 1

THE SEX DISCRIMINATION ACT 1975 s.74(1)(a) QUESTIONNAIRE OF PERSON AGGRIEVED

SCHEDULE 2

THE SEX DISCRIMINATION ACT 1975 s.74(1)(b) REPLY BY RESPONDENT

EXPLANATORY NOTE

Article 3 of this Order prescribes the forms which may be used for the purposes mentioned in section 74(1) of the Sex Discrimination Act 1975. The form set out in Schedule 1 is for use where a person (“the person aggrieved”) wishes to question another (“the respondent”) whom he considers may have discriminated against him in contravention of the Act. The form set out in Schedule 2 is for use by the respondent (if he so wishes) when replying.

Article 4 and 5 relate to the periods within which questions must be served on the respondent if they are to be admissible as evidence (in pursuance of section 74(2)(a) of the Act) in proceedings before a county or sheriff court and in proceedings before an industrial tribunal, respectively.

Article 6 relates to the manner or service of questions and replies.