

1975 No. 2048**SEX DISCRIMINATION****The Sex Discrimination (Questions and Replies) Order 1975**

Made - - - - - *5th December 1975*

Laid before Parliament *16th December 1975*

Coming into Operation *29th December 1975*

In exercise of the powers conferred on me by sections 74 and 81(4) of the Sex Discrimination Act 1975(a), 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(b) 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—

(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

(a) 1975 c. 65.

(b) 1889 c. 63.

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(a), 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.

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

5th December 1975.

SCHEDULE 1

THE SEX DISCRIMINATION ACT 1975 s.74(1)(a)

QUESTIONNAIRE OF PERSON AGGRIEVED

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

1.—(1) I.....(*name of questioner*) of.....(*address*)
consider that you may have discriminated against me contrary to the Sex Discrimination Act 1975.

(2) (*Give date, approximate time and a factual description of the treatment received and of the circumstances leading up to the treatment.*)

(3) I consider that this treatment 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 was unlawful discrimination by you against me?

If not—

(a) why not,

(b) for what reason did I receive the treatment accorded to me, and

(c) how far did my sex or marital status affect your treatment of me?

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

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

.....(*signature of questioner*)

.....(*date*)

N.B.—By virtue of section 74 of the Act this questionnaire and any reply are (subject to the provisions of the section) admissible in proceedings under the Act and a court or tribunal may draw any such inference as is just and equitable from a failure without reasonable excuse to reply within a reasonable period, or from an evasive or equivocal reply, including an inference that the person questioned has discriminated unlawfully.

SCHEDULE 2

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

REPLY BY RESPONDENT

To.....(*name of questioner*) of.....
.....(*address*)

1. I.....(*name of person questioned*) of.....(*address*)
hereby acknowledge receipt of the questionnaire signed by you and dated.....
which was served on me on.....(*date*).

2. [I agree that the statement in paragraph 1(2) of the questionnaire is an accurate description of what happened.]

[I disagree with the statement in paragraph 1(2) of the questionnaire in that.....
.....]

3. I accept/dispute that my treatment of you was unlawful discrimination by me against you.

[My reasons for so disputing are..... The reason why you received the treatment accorded to you and the answers to the other questions in paragraph 3 of the questionnaire are.....]

4. (*Replies to questions in paragraph 4 of the questionnaire.*)

[5. I have deleted (in whole or in part) the paragraph(s) numbered..... above, since I am unable/unwilling to reply to the relevant questions in the correspondingly numbered paragraph(s) of the questionnaire for the following reasons
.....]

.....(*signature of person questioned*)

.....(*date*)

EXPLANATORY NOTE

(This Note is not part of the Order.)

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.

Articles 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.

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