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STATUTORY INSTRUMENTS

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**1977 No. 842**

**RACE RELATIONS**

**The Race Relations (Questions and Replies) Order 1977**

<i>Made</i>	- - - -	<i>13th May 1977</i>
<i>Laid before Parliament</i>		<i>23rd May 1977</i>
<i>Coming into Operation</i>		<i>13th June 1977</i>

In exercise of the powers conferred on me by sections 65 and 74(3) of the Race Relations Act 1976, 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 Race Relations (Questions and Replies) Order 1977 and shall come into operation on 13th June 1977.

**Interpretation**

2.—(1) In this Order “the Act” means the Race Relations Act 1976.

(2) In this Order any reference to a court is a reference to a county court in England or Wales designated for the time being for the purposes of the Act by an order made by the Lord Chancellor under section 67(1) of the Act 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 65 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 sections 65(2)(a) of the Act—

- (a) where it was served before those proceedings had been instituted, if it was so served during—
  - (i) the period of six months beginning when the act complained of was done, or
  - (ii) in a case to which section 57(5) of the Act applies, the period of eight months so beginning;
- (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 65(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.

*Merlyn Rees*  
One of Her Majesty's Principal Secretaries of  
State  
Home Office

13th May 1977

SCHEDULE 1

Article 3

THE RACE RELATIONS ACT 1976 s. 65(1)(a) QUESTIONNAIRE OF PERSON AGGRIEVED

SCHEDULE 2

Article 3

THE RACE RELATIONS ACT 1976, s.65(1)(b) REPLY BY RESPONDENT

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**EXPLANATORY NOTE**

Article 3 of this Order prescribes the forms which may be used for the purposes mentioned in section 65(1) of the Race Relations Act 1976. The form set out in Schedule 1 is for use where a person (“the person aggrieved”) wishes to question another (“the respondent”) whom the 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 65(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.