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STATUTORY INSTRUMENTS

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**2007 No. 1263**

**The Equality Act (Sexual Orientation) Regulations 2007**

**Claims of unlawful action: information**

**24.**—(1) A claimant or a potential claimant may question a respondent or a potential respondent about the reasons for an action or about any matter that is or may be relevant and may do so—

- (a) in the form set out in Part 1 of Schedule 2, or
- (b) in a form to the like effect with such variation as the circumstances require.

(2) A respondent or potential respondent may reply (if he so wishes) to questions served under paragraph (1)—

- (a) in the form set out in Part 2 of Schedule 2, or
- (b) in a form to the like effect with such variation as the circumstances require.

(3) A claimant's or potential claimant's questions (whether or not put in a form mentioned in paragraph (1)), and a respondent or potential respondent's replies shall be admissible as evidence in proceedings in respect of the action or about any matter that is or may be relevant, to which the questions relate if (and only if) the questions are served—

- (a) within the period of six months beginning with the date of the action (or last action) to which they relate, and
- (b) in accordance with paragraph (4).

(4) A question may be served on a respondent or potential respondent and a reply may be served on a claimant or potential claimant—

- (a) by delivering it to him,
- (b) by sending it by post to him at his usual or last known residence or place of business,
- (c) 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,
- (d) where the person to be served is a claimant or potential claimant, 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, or if no address is so stated, at his usual or last known residence, or
- (e) 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 (Consolidation) Act 1992<sup>(1)</sup>, 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.

(5) A court may draw an inference from—

- (a) a failure to reply to a claimant's or potential claimant's questions within the period of eight weeks beginning with the date the questions were served, or
- (b) an evasive or equivocal reply to such questions (whether or not put in a form mentioned in paragraph (1)).

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(1) 1992 c. 52.

- (6) In this regulation—
  - (a) “claimant” means a person who has brought proceedings under these Regulations,
  - (b) “potential claimant” means a person who—
    - (i) thinks he may have been the subject of an act that is unlawful by virtue of these Regulations, and
    - (ii) wishes to consider whether to bring proceedings under these Regulations,
  - (c) “potential respondent” means a person questioned by a potential claimant for the purpose of considering whether to bring proceedings under these Regulations
- (7) In the application of this regulation to Scotland—
  - (a) a reference to a claimant or potential claimant shall be taken as a reference to a pursuer or potential pursuer, and
  - (b) a reference to a respondent or potential respondent shall be taken as a reference to a defender or potential defender.
- (8) Paragraph (5) does not apply in relation to a reply, or a failure to reply, to a question—
  - (a) if the respondent or potential respondent reasonably asserts that to have replied differently or at all might have prejudiced criminal proceedings or a criminal investigation,
  - (b) if the respondent or potential respondent reasonably asserts that to have replied differently or at all would have revealed the reason for not instituting or not continuing criminal proceedings, or
  - (c) if the respondent or potential respondent reasonably asserts that to have replied differently or at all would have frustrated the purpose of national security.