



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 5

MISCELLANEOUS

138 Obtaining information, etc.

- (1) In this section—
 - (a) P is a person who thinks that a contravention of this Act has occurred in relation to P;
 - (b) R is a person who P thinks has contravened this Act.
- (2) A Minister of the Crown must by order prescribe—
 - (a) forms by which P may question R on any matter which is or may be relevant;
 - (b) forms by which R may answer questions by P.
- (3) A question by P or an answer by R is admissible as evidence in proceedings under this Act (whether or not the question or answer is contained in a prescribed form).
- (4) A court or tribunal may draw an inference from—
 - (a) a failure by R to answer a question by P before the end of the period of 8 weeks beginning with the day on which the question is served;
 - (b) an evasive or equivocal answer.
- (5) Subsection (4) does not apply if—
 - (a) R reasonably asserts that to have answered differently or at all might have prejudiced a criminal matter;

Status: This is the original version (as it was originally enacted).

- (b) R reasonably asserts that to have answered differently or at all would have revealed the reason for not commencing or not continuing criminal proceedings;
 - (c) R's answer is of a kind specified for the purposes of this paragraph by order of a Minister of the Crown;
 - (d) R's answer is given in circumstances specified for the purposes of this paragraph by order of a Minister of the Crown;
 - (e) R's failure to answer occurs in circumstances specified for the purposes of this paragraph by order of a Minister of the Crown.
- (6) The reference to a contravention of this Act includes a reference to a breach of an equality clause or rule.
- (7) A Minister of the Crown may by order—
- (a) prescribe the period within which a question must be served to be admissible under subsection (3);
 - (b) prescribe the manner in which a question by P, or an answer by R, may be served.
- (8) This section—
- (a) does not affect any other enactment or rule of law relating to interim or preliminary matters in proceedings before a county court, the sheriff or an employment tribunal, and
 - (b) has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.