



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART VII

#### ENFORCEMENT

##### *Help for persons suffering discrimination*

#### **74 Help for aggrieved persons in obtaining information etc.**

- (1) With a view to helping a person (“the person aggrieved”) who considers he may have been discriminated against [<sup>F1</sup>or subjected to harassment] in contravention of this Act to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the [<sup>F2</sup>Secretary of State] shall by order prescribe—
- (a) forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant;
  - (b) forms by which the respondent may if he so wishes reply to any questions.
- (2) Where the person aggrieved questions the respondent (whether in accordance with an order under subsection (1) or not)—
- (a) the question, and any reply by the respondent (whether in accordance with such an order or not) shall, subject to the following provisions of this section, be admissible as evidence in the proceedings;
  - (b) if it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse, omitted to reply within [<sup>F3</sup>the period applicable under subsection (2A)] or that his reply is evasive or equivocal, the court or tribunal may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.

[<sup>F4</sup>(2A) The period applicable for the purposes of subsection (2)(b) is—

- (a) eight weeks beginning with the day when the question was served on the respondent, if the question relates to discrimination under—

*Status: Point in time view as at 18/08/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Help for persons suffering discrimination. (See end of Document for details)*

- (i) any provision of Part 2,
    - [ section 29, 30 or 31, except in so far as it relates to an excluded <sup>F5</sup>(ia) matter,]
  - (ii) section 35A or 35B, or
  - (iii) any other provision of Part 3, so far as it applies to vocational training;
  - (b) a reasonable period, as regards any other question.]
- (3) The [<sup>F6</sup>Secretary of State] may by order—
- (a) prescribe the period within which questions must be duly served in order to be admissible under subsection (2)(a), and
  - (b) prescribe the manner in which a question, and any reply by the respondent, may be duly served.
- (4) Rules may enable the court entertaining a claim under section 66 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.
- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before a county court, sheriff court or [<sup>F7</sup>employment tribunal], and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.
- (6) In this section “respondent” includes a prospective respondent and “rules”—
- (a) in relation to county court proceedings, means county court rules;
  - (b) in relation to sheriff court proceedings, means sheriff court rules.

#### Textual Amendments

- F1** Words in s. 74(1) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 32(2)**
- F2** Words in s. 74(1) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), **art. 1(2)**, **Sch. para. 3(3)(b)**
- F3** Words in s. 74(2)(b) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 32(3)**
- F4** S. 74(2A) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 32(4)**
- F5** S. 74(2A)(ia) inserted (6.4.2008) by [The Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), **reg. 2(1)**, **Sch. 1 para. 18**
- F6** Words in s. 74(3) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), **art. 1(2)**, **Sch. para. 3(3)(b)**
- F7** Words in s. 74(5) substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)](#); [S.I. 1998/1658](#), **art. 2**, **Sch. 1** (with **art. 3**)

## 75 Assistance by Commission.

<sup>F8</sup> .....

#### Textual Amendments

- F8** S. 75 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), **ss. 40, 91, 93**, **Sch. 3 para. 13**, **Sch. 4** (with **s. 92**); [S.I. 2007/2603](#), **art. 2** (subject to **art. 3**)

**Status:**

Point in time view as at 18/08/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Help for persons suffering discrimination.