



Race Relations Act 1976

1976 CHAPTER 74

PART VII

THE COMMISSION FOR RACIAL EQUALITY

Investigations

50 Power to obtain information

- (1) For the purposes of a formal investigation the Commission, by a notice in the prescribed form served on him in the prescribed manner—
 - (a) may require any person to furnish such written information as may be described in the notice, and may specify the time at which, and the manner and form in which, the information is to be furnished ;
 - (b) may require any person to attend at such time and place as is specified in the notice and give oral information about, and produce all documents in his possession or control relating to, any matter specified in the notice.
- (2) Except as provided by section 60, a notice shall be served under subsection (1) only where—
 - (a) service of the notice was authorised by an order made by the Secretary of State ; or
 - (b) the terms of reference of the investigation state that the Commission believe that a person named in them may have done or may be doing acts of all or any of the following descriptions—
 - (i) unlawful discriminatory acts ;
 - (ii) contraventions of section 28 ; and
 - (iii) contraventions of sections 29, 30 or 31,and confine the investigation to those acts.
- (3) A notice under subsection (1) shall not require a person—

Status: This is the original version (as it was originally enacted).

- (a) to give information, or produce any documents, which he could not be compelled to give in evidence, or produce, in civil proceedings before the High Court or the Court of Session ; or
 - (b) to attend at any place unless the necessary expenses of his journey to and from that place are paid or tendered to him.
- (4) If a person fails to comply with a notice served on him under subsection (1) or the Commission have reasonable cause to believe that he intends not to comply with it, the Commission may apply to a county court or, in Scotland, a sheriff court for an order requiring him to comply with it or with such directions for the like purpose as may be contained in the order.
- (5) Section 84 of the County Courts Act 1959 (penalty for neglecting witness summons) shall apply to failure without reasonable excuse to comply with an order of a county court under subsection (4) as it applies in the cases provided in the said section 84; and paragraph 73 of Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (power of sheriff to grant second diligence for compelling the attendance of witnesses or havers) shall apply to an order of a sheriff court under subsection (4) as it applies in proceedings in the sheriff court.
- (6) A person commits an offence if he—
 - (a) wilfully alters, suppresses, conceals or destroys a document which he has been required by a notice or order under this section to produce ; or
 - (b) in complying with such a notice or order, knowingly or recklessly makes any statement which is false in a material particular,and shall be liable on summary conviction to a fine not exceeding £400.
- (7) Proceedings for an offence under subsection (6) may (without prejudice to any jurisdiction exercisable apart from this subsection) be instituted—
 - (a) against any person at any place at which he has an office or other place of business ;
 - (b) against an individual at any place where he resides, or at which he is for the time being.