



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART VII

#### SUPPLEMENTAL

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

- (1) For the purposes of this section—
  - (a) a person who considers that he may have been discriminated against, in contravention of any provision of Part II, is referred to as “the complainant”; and
  - (b) a person against whom the complainant may decide to make, or has made, a complaint under Part II is referred to as “the respondent”.
- (2) The Secretary of State shall, with a view to helping the complainant to decide whether to make a complaint against the respondent and, if he does so, to formulate and present his case in the most effective manner, by order prescribe—
  - (a) forms by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and
  - (b) forms by which the respondent may if he so wishes reply to any questions.
- (3) Where the complainant questions the respondent in accordance with forms prescribed by an order under subsection (2)—
  - (a) the question, and any reply by the respondent (whether in accordance with such an order or not), shall be admissible as evidence in any proceedings under Part II;
  - (b) if it appears to the tribunal in any such proceedings—
    - (i) that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period, or
    - (ii) that the respondent’s reply is evasive or equivocal,

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*Status: This is the original version (as it was originally enacted).*

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it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent has contravened a provision of Part II.

- (4) The Secretary of State may by order prescribe—
- (a) the period within which questions must be duly served in order to be admissible under subsection (3)(a); and
  - (b) the manner in which a question, and any reply by the respondent, may be duly served.
- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before an industrial tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.