

2007 No. 1038

EQUALITY

RELIGION OR BELIEF DISCRIMINATION

The Religion or Belief (Questions and Replies) Order 2007

<i>Made</i>	- - - -	<i>27th March 2007</i>
<i>Laid before Parliament</i>		<i>3rd April 2007</i>
<i>Coming into force</i>	- -	<i>30th April 2007</i>

The Secretary of State makes this Order in exercise of the power conferred by section 70(2) of the Equality Act 2006(a)—

Citation, commencement and extent

1.—(1) This Order may be cited as the Religion or Belief (Questions and Replies) Order 2007 and shall come into force on 30th April 2007.

(2) This Order does not extend to Northern Ireland.

Forms for questions and replies

2. The forms set out in Schedules 1 and 2 to this Order are, respectively, prescribed as forms—

- (a) by which a claimant or potential claimant may question a respondent or potential respondent as mentioned in subsection (2)(a) of section 70 of the Equality Act 2006;
- (b) by which a respondent or potential respondent may reply (if he wishes) as mentioned in subsection (2)(b) of that section.

Manner of service of questions and replies

3. A question may be served on a respondent or potential respondent and a reply may be served on a claimant or potential claimant, whether or not the question or reply is in the prescribed form—

- (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

(a) 2006 c. 3.

- (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(a), 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.

Signed by authority of the Secretary of State for Communities and Local Government

Phil Woolas

Minister of State

27th March 2007

Department for Communities and Local Government

SCHEDULE 1

Article 2

The Equality Act 2006, section 70(2)(a) Form of Questions by Claimant or Potential Claimant

To.....(*name of person to be questioned*) of(*address*)

1.-(1) I.....(*name of questioner*) of(*address*) consider that you may have discriminated against me contrary to Part 2 of the Equality Act 2006 ("the Act").

(2) (*Give date, approximate time and a factual description of the treatment received and of the circumstances leading up to the treatment.*)

(3) I consider that your treatment of me may have been unlawful (because
..... (*complete if you wish to give reasons, otherwise delete*)).

2. Do you agree that the statement in paragraph 1(2) is an accurate description of what happened?
If not, in what respect do you disagree or what is your version of what happened?

3. Do you accept that your treatment of me was unlawful discrimination?

If not –

(a) why not,

(b) for what reason did I receive the treatment accorded to me, and

(c) how far did considerations of religion or belief affect your treatment of me?

4. (*Any other questions you wish to ask*)

5. My address for any reply you may wish to give to these questions is (that set out in paragraph 1(1) above) (the following address).

.....(*signature of questioner*)

.....(*date*)

Important – This questionnaire and any reply are (subject to the provision of section 70 of the Act) admissible in proceedings under the Act. A court may draw an inference from a failure to

(a) 1992 c. 52.

reply within eight weeks of service of this questionnaire or from an evasive or equivocal reply.

SCHEDULE 2

Article 2

The Equality Act 2006, section 70(2)(b) Form of Reply by Respondent or Potential Respondent

To(*name of questioner*) of(*address*)

1. I (*name of person questioned*) of(*address*) acknowledge receipt of your questionnaire dated which was served on me on (*date*).

2. (I agree that the statement in paragraph 1(2) of the questionnaire is an accurate description of what happened.)

(I disagree with the statement in paragraph 1(2) of the questionnaire because)

3. I accept/dispute that my treatment of you was unlawful discrimination by me against you.

(My reasons for so disputing are The reason why you received the treatment accorded to you and the answers to the other questions in paragraph 3 of the questionnaire are)

4. (*Replies to questions in paragraph 4 of the questionnaire.*)

5. (I have deleted (in whole or in part) the paragraph(s) numbered because I am unable/unwilling to reply to the relevant questions in the correspondingly numbered paragraph(s) of the questionnaire for the following reasons)

..... (*signature of person questioned*)

.....(*date*)

EXPLANATORY NOTE

(This note is not part of the Order)

Section 70(2) of the Equality Act 2006 (“the Act”) requires the Secretary of State to prescribe forms by which a person who has brought or is considering bringing proceedings (a claimant or potential claimant) under Part 2 of the Act (discrimination on grounds of religion or belief) may question the respondent or potential respondent. Article 2 of this Order prescribes these forms. A claimant or potential claimant may use the form set out in Schedule 1 and a respondent or potential respondent may use the form in Schedule 2.

Article 3 provides for the manner of service of questions and replies (whether they are put by means of the prescribed forms or not) for the purposes of section 70 of the Act (information).

Section 70(3) of the Act provides that to be admissible as evidence in proceedings, questions must be put within the period of six months beginning with the date of the act (or last act) to which they relate and in such manner as the Secretary of State may prescribe.

Section 70(4) of the Act provides that a court may draw an inference from a failure to reply to a claimant’s or potential claimant’s questions (whether put by means of the prescribed form or not) within the period of eight weeks beginning with the date of receipt or from an evasive or equivocal reply.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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