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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 322**

**RACE RELATIONS**

**Race Relations (Questions and  
Replies) Order (Northern Ireland) 1997**

*Made - - - - 30th June 1997*

*Coming into operation 4th August 1997*

The Department of Economic Development, in exercise of the powers conferred on it by Article 63(1) and (3) of the Race Relations (Northern Ireland) Order 1997<sup>(1)</sup> and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Race Relations (Questions and Replies) Order (Northern Ireland) 1997 and shall come into operation on 4th August 1997.

(2) In this Order—

“the Order” means the Race Relations (Northern Ireland) Order 1997; and

“tribunal” means an industrial tribunal.

**Forms for asking and answering questions**

2. The forms respectively set out in Schedules 1 and 2 are, respectively, hereby prescribed pursuant to Article 63(1) of the Order as forms—

- (a) 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) by which the respondent may if he so wishes reply to such questions.

**Period for service of questions — county court cases**

3. In proceedings before a county court a question shall only be admissible as evidence in pursuance of Article 63(2)(a) of the Order—

- (a) where it was served before those proceedings had been instituted, if it was so served during—
  - (i) the period of six months beginning when the act complained of was done, or

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(1) S.I.1997/869 (N.I. 6)

- (ii) in a case to which Article 54(5) of the Order applies, the period of eight months so beginning;
- (b) where it was served when those proceedings had been instituted, if it was served with the leave of, and within a period specified by, the court.

**Period for service of questions — tribunal cases**

4. In proceedings before a tribunal, a question shall only be admissible as evidence in pursuance of Article 63(2)(a) of the Order—

- (a) where it was served before a complaint had been presented to a tribunal, if it was so served within the period of three months beginning when the act complained of was done;
- (b) where it was served when a complaint had been presented to a tribunal, either if it was so served within the period of twenty-one days beginning with the day on which the complaint was presented or if it was so served later with leave given, and within a period specified, by a direction of the tribunal.

**Manner of service of questions and replies**

5. A question and any reply thereto may be served on the respondent or, as the case may be, on the person aggrieved—

- (a) by delivering it to him; or
- (b) by sending it by post to him at his usual or last known residence or place of business; or
- (c) where the person to be served is a body corporate or is a trade union or employers' association within the meaning of the Industrial Relations (Northern Ireland) Order 1992(2), 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; or
- (d) 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; or
- (e) where the person to be served is the person aggrieved, 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.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

30th June 1997.

*G. I. O'Doherty*  
Assistant Secretary

SCHEDULE 1

Article 2

THE RACE RELATIONS (NORTHERN IRELAND) ORDER 1997

Article 63(1)(a)

**Questionnaire of Person Aggrieved**

To \_\_\_\_\_ *(name of person to be questioned)*  
of \_\_\_\_\_ *(address)*

1.—(1) I \_\_\_\_\_ *(name of questioner)*  
of \_\_\_\_\_ *(address)*  
consider that you may have been discriminated against me contrary to the Race Relations (Northern Ireland) Order 1997.

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

(3) I consider that this treatment 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) above 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 by you against me?

If not—

(a) why not,

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

(c) how far did considerations of colour, race, nationality (including citizenship) or ethnic or national origins 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 the questions raised above is [that set out in paragraph 1(1) above] [the following address

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*(signature of questioner)*

*(date)*

N.B.—By virtue of Article 63 of the Race Relations (Northern Ireland) Order 1997 this questionnaire and any reply are (subject to the provisions of the Article) admissible in proceedings under the Order and a court or tribunal may draw any such inference as it considers just and equitable from a failure without reasonable excuse to reply within a reasonable period, or from any evasive or equivocal reply, including an inference that the person questioned has discriminated unlawfully.

SCHEDULE 2

Article 2

THE RACE RELATIONS (NORTHERN IRELAND) ORDER 1997

Article 63(1)(b)

**Reply by Respondent**

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To \_\_\_\_\_ (name of questioner)  
of \_\_\_\_\_ (address)  
1. I \_\_\_\_\_ (name of person questioned)  
of \_\_\_\_\_ (address)  
hereby acknowledge receipt of the questionnaire signed by you and 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 in that \_\_\_\_\_].  
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 \_\_\_\_\_ above, since 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)

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Article 2 of this Order prescribes the forms which may be used for the purposes mentioned in Article 63(1) of the Race Relations (Northern Ireland) Order 1997 (“the Order”). The form set out in Schedule 1 is for use where a person (“the person aggrieved”) wishes to question another (“the respondent”) whom he considers may have discriminated against him in contravention of the Order. The form set out in Schedule 2 is for use by the respondent (if he so wishes) when replying.

Articles 3 and 4 relate to the periods within which questions must be served on the respondent if they are to be admissible as evidence (in pursuance of Article 63(2)(a) of the Order) in proceedings before a county court and in proceedings before an industrial tribunal, respectively.

Article 5 relates to the manner of service of questions and replies.

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