



# Sex Discrimination Act 1975

## 1975 CHAPTER 65

### PART VI

#### EQUAL OPPORTUNITIES COMMISSION

##### *Investigations*

#### **59 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 69, a notice shall be served under subsection (1) only where—
  - (a) service of the notice was authorised by an order made by or on behalf of 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 37,
    - (iii) contraventions of sections 38, 39 or 40, and
    - (iv) acts in breach of a term modified or included by virtue of an equality clause,and confine the investigation to those acts.
- (3) A notice under subsection (1) shall not require a person—

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*Status: This is the original version (as it was originally enacted).*

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- (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 has reasonable cause to believe that he intends not to comply with it, the Commission may apply to a county 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; and section 84 (penalty for neglecting witness summons) of the County Courts Act 1959 shall apply to failure without reasonable excuse to comply with any such order as it applies in the cases there provided.
- (5) In the application of subsection (4) to Scotland—
  - (a) for the reference to a county court there shall be substituted a reference to a sheriff court, and
  - (b) for the words after " order; and " to the end of the subsection there shall be substituted the words " paragraph 73 of the First Schedule to the Sheriff Courts (Scotland) Act 1907 (power of sheriff to grant second diligence for compelling the attendances of witnesses or havers) shall apply to any such order 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.