



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

General powers

16 Inquiries

- (1) The Commission may conduct an inquiry into a matter relating to any of the Commission's duties under sections 8 ^[F1] and 9].
- (2) If in the course of an inquiry the Commission begins to suspect that a person may have committed an unlawful act—
 - (a) in continuing the inquiry the Commission shall, so far as possible, avoid further consideration of whether or not the person has committed an unlawful act,
 - (b) the Commission may commence an investigation into that question under section 20,
 - (c) the Commission may use information or evidence acquired in the course of the inquiry for the purpose of the investigation, and
 - (d) the Commission shall so far as possible ensure (whether by aborting or suspending the inquiry or otherwise) that any aspects of the inquiry which concern the person investigated, or may require his involvement, are not pursued while the investigation is in progress.
- (3) The report of an inquiry—
 - (a) may not state (whether expressly or by necessary implication) that a specified or identifiable person has committed an unlawful act, and
 - (b) shall not otherwise refer to the activities of a specified or identifiable person unless the Commission thinks that the reference—
 - (i) will not harm the person, or

Changes to legislation: Equality Act 2006, Section 16 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) is necessary in order for the report adequately to reflect the results of the inquiry.
- (4) Subsections (2) and (3) shall not prevent an inquiry from considering or reporting a matter relating to human rights (whether or not a necessary implication arises in relation to the [^{F2}Equality Act 2010]).
- (5) Before settling a report of an inquiry which records findings which in the Commission's opinion are of an adverse nature and relate (whether expressly or by necessary implication) to a specified or identifiable person the Commission shall—
- (a) send a draft of the report to the person,
 - (b) specify a period of at least 28 days during which he may make written representations about the draft, and
 - (c) consider any representations made.
- (6) Schedule 2 makes supplemental provision about inquiries.

Textual Amendments

- F1** Words in s. 16(1) substituted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 64(8), 103(2)**
- F2** Words in s. 16(4) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), s. 216(3), **Sch. 26 para. 66** (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317](#), art. 2(15)(e)(vi) (as amended (1.10.2010) by [S.I. 2010/2337](#), art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(8) inserted by [2023 c. 51 s. 4\(2\)](#)
- s. 24A(1)(aa) inserted by [2023 c. 51 s. 4\(3\)](#)