
STATUTORY INSTRUMENTS

2001 No. 2660

**The Sex Discrimination (Indirect Discrimination
and Burden of Proof) Regulations 2001**

Burden of proof: employment tribunals

5. After section 63 of the 1975 Act there is inserted—

“Burden of proof: employment tribunals

63A.—(1) This section applies to any complaint presented under section 63 to an employment tribunal.

(2) Where, on the hearing of the complaint, the complainant proves facts from which the tribunal could, apart from this section, conclude in the absence of an adequate explanation that the respondent—

- (a) has committed an act of discrimination against the complainant which is unlawful by virtue of Part 2, or
- (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination against the complainant,

the tribunal shall uphold the complaint unless the respondent proves that he did not commit, or, as the case may be, is not to be treated as having committed, that act.”