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STATUTORY INSTRUMENTS

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**2007 No. 1263**

**The Equality Act (Sexual Orientation) Regulations 2007**

**Claims of unlawful action**

**20.**—(1) A claim that a person has done anything that is unlawful by virtue of these Regulations may be brought—

- (a) in England and Wales, in a county court, by way of proceedings in tort, or
- (b) in Scotland, in the sheriff court, by way of proceedings in reparation,

for breach of statutory duty.

(2) Proceedings in England and Wales alleging that a local education authority or the responsible body of an educational establishment listed in Schedule 3 has acted unlawfully by virtue of regulation 7 or 8 may not be brought unless the claimant has given written notice to the Secretary of State.

(3) Proceedings in Scotland alleging that an education authority or the responsible body of an educational establishment listed in Schedule 3 has acted unlawfully by virtue of regulation 7 or 8 may not be brought unless the pursuer has given written notice to the Scottish Ministers.

(4) In paragraph (1) the reference to a claim that a person has done an unlawful act includes a reference to a claim that a person is to be treated by virtue of these Regulations as having done an unlawful act.

(5) In proceedings under this regulation, if the claimant (or pursuer) proves facts from which the court could conclude, in the absence of a reasonable alternative explanation, that an act which is unlawful by virtue of these Regulations has been committed, the court shall assume that the act was unlawful unless the respondent (or defender) proves that it was not.