

SCHEDULES

SCHEDULE 3

FORMAL INVESTIGATIONS AND NON-DISCRIMINATION NOTICES

PART I

CONDUCT OF FORMAL INVESTIGATIONS

Power to obtain information

- 4 (1) For the purposes of a formal investigation the Commission may serve a notice on any person requiring him—
- (a) to give such written information as may be described in the notice; or
 - (b) to attend and give oral information about any matter specified in the notice, and to produce all documents in his possession or control relating to any such matter.
- (2) A notice under this paragraph may only be served on the written authority of the Secretary of State unless the terms of reference confine the investigation to the activities of one or more named persons and the person being served is one of those persons.
- (3) A person may not be required by a notice under this paragraph—
- (a) to give information, or produce a document, 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.
- 5 (1) The Commission may apply to a county court or by summary application to the sheriff for an order under this paragraph if—
- (a) a person has been served with a notice under paragraph 4; and
 - (b) he fails to comply with it or the Commission has reasonable cause to believe that he intends not to comply with it.
- (2) An order under this paragraph is an order requiring the person concerned to comply with the notice or with such directions for the same purpose as may be contained in the order.