

EQUALITY ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Inquiries, Investigations and Assessments

347. *Schedule 2* sets out the provisions relating to terms of reference, representations, evidence, adjournments, reports and recommendations and effects of recommendations relating to inquiries, investigations and assessments.
348. *Paragraph 9* allows the CEHR to give a notice to any person, in the course of an inquiry, investigation or assessment.
349. *Paragraph 10* provides that the notice may require a person to provide the CEHR with information or documents in his possession or to give oral evidence to it.
350. *Paragraph 11* provides the grounds on which a person served with a notice to provide information can apply to the court to overturn the notice.
351. *Paragraph 12* enables the CEHR to apply to a county court (or to a sheriff in Scotland) for an order requiring a person to provide the information required.
352. *Paragraph 13* creates three summary criminal offences: one of failing to provide information requested under paragraph 9 or ordered by a court under paragraph 12; second, falsifying such information and third, making a false statement in oral evidence to the CEHR, following a request to give oral evidence under paragraph 9. A person who is guilty of an offence under paragraph 13 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
353. *Paragraph 14* provides for a person to disregard a notice issued under *paragraph 9* if it would require the disclosure of information prejudicial to national security. It also provides that in the event of a person disregarding such a notice the CEHR may apply to the Investigatory Powers Tribunal which shall consider the application by applying the principles of judicial review.
354. *Paragraph 15* sets out the requirements on the CEHR to prepare and publish a report of an inquiry, investigation or assessment.
355. *Paragraph 16* sets out the powers of the CEHR to make recommendations and provides that these may be addressed to any class of person.
356. *Paragraph 17* sets out that a court or tribunal may have regard to the finding of an inquiry, investigation or assessment but shall not treat it as conclusive.
357. *Paragraph 19* sets out the exemption from the requirements by courts and tribunals.
358. *Paragraph 20* specifies that an inquiry may not consider whether an intelligence service is acting in a way that is incompatible with human rights or other matters concerning human rights in relation to an intelligence service.