

1975 No. 1993

SEX DISCRIMINATION**The Sex Discrimination (Formal Investigations)
Regulations 1975**

Made - - - - - 3rd December 1975
Laid before Parliament 11th December 1975
Coming into Operation 29th December 1975

In exercise of the powers conferred on me by sections 58(3), 59(1), 67(2) and 82(1) of the Sex Discrimination Act 1975(a), I hereby make the following Regulations:—

Citation and operation

1. These Regulations may be cited as the Sex Discrimination (Formal Investigations) Regulations 1975 and shall come into operation on 29th December 1975.

Interpretation

2.—(1) In these Regulations any reference to the Act is a reference to the Sex Discrimination Act 1975.

(2) Any reference to the Commission, in Regulations 4, 5 and 6 below, is a reference to the Equal Opportunities Commission except that, as respects any of the functions of the Commission in relation to a formal investigation which the Commission have delegated under section 57(3) of the Act, any such reference in Regulation 4 or 5 is a reference to the persons, being either Commissioners or Additional Commissioners, to whom those functions have been so delegated.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Service of notices

3. Any reference to a person being served with a notice, in Regulations 4, 5 and 6 below, is a reference to service of the notice on him being effected—

- (a) by delivering it to him; or
- (b) by sending it by post to him at his usual or last-known residence or place of business; or

(a) 1975 c. 65.

(b) 1889 c. 63.

- (c) where the person is a body corporate or is a trade union or employers' association within the meaning of the Trade Union and Labour Relations Act 1974(a), by delivering it to the secretary or clerk of the body, union or association at its registered or principal office or by sending it by post to that secretary or clerk at that office; or
- (d) where the person is acting by a solicitor by delivering it at, or by sending it by post to, the solicitor's address for service.

Notice of holding of formal investigation

4.—(1) Where, in pursuance of section 58 of the Act, notice of the holding of a formal investigation falls to be given by the Commission to a person named in the terms of reference for the investigation, that person shall be served with a notice setting out the terms of reference.

(2) Where the terms of reference for a formal investigation are revised, paragraph (1) shall apply in relation to the revised investigation and terms of reference as it applied to the original.

Requirement to furnish or give information or produce documents

5. Where, in pursuance of section 59(1) of the Act, the Commission require a person to furnish written information, give oral information or produce documents, that person shall be served with a notice in the form set out in Schedule 1 to these Regulations or a form to the like effect, with such variations as the circumstances may require.

Non-discrimination notice

6. Where, in pursuance of section 67(2) of the Act, the Commission issue a non-discrimination notice, the person to whom it is directed shall be served with a notice in the form set out in Schedule 2 to these Regulations or a form to the like effect, with such variations as the circumstances may require.

Roy Jenkins,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

3rd December 1975.

SCHEDULE 1

REQUIREMENT TO FURNISH WRITTEN INFORMATION
OR GIVE ORAL EVIDENCE AND PRODUCE DOCUMENTS
(SEX DISCRIMINATION ACT 1975, s.59(1))

To A. B. of

For the purposes of the formal investigation being conducted by the Equal Opportunities Commission ("the Commission") the terms of reference of which [were given to you in a notice dated] [are set out in the Schedule hereto], you are hereby required, in pursuance of section 59(1) of the Sex Discrimination Act 1975 ("the Act") and subject to section 59(3) thereof, [to furnish such written information as is hereinafter described, namely, (*description of information*). The said information is to be furnished (*specify the time or times at which, and the manner and form in which, the information is to be furnished*).] [to attend at (*insert time*) on (*insert date*) at (*insert place*) and give oral information about (*or give oral evidence about, and produce all documents in your possession or control relating to,*) such matters as are hereinafter specified, namely (*specify matters*).]

Dated the day of 19 ..

This notice was issued by the [Commission] [Commissioners/Commissioners and Additional Commissioners to whom the Commission have, in pursuance of section 57(3) of the Act and in relation to the investigation, delegated their functions under section 59(1)(a) thereof].

[Service of this notice was authorised by an order made in pursuance of section 59(2)(a) of the Act and dated (*insert date*), a copy of which is attached.]

[Having regard to the terms of reference of the investigation and the provisions of section 59(2)(b)/section 69 of the Act, service of this notice does not require the consent of the Secretary of State.]

C. D.

[Commissioner.]

[Chief Officer (*or other appropriate officer*)
of the Commission.]

[SCHEDULE
TERMS OF REFERENCE OF INVESTIGATION]

SCHEDULE 2

NON-DISCRIMINATION NOTICE
(SEX DISCRIMINATION ACT 1975, s.67)

To A. B. of

Whereas, in the course of a formal investigation, the Equal Opportunities Commission ("the Commission") have become satisfied that you were committing/had committed an act/acts to which section 67(2) of the Sex Discrimination Act 1975 ("the Act") applies, namely, (*insert particulars of act or acts*).

Now, therefore, without prejudice to your other duties under the Act or the Equal Pay Act 1970, you are hereby required, in pursuance of section 67(2) of the Act, not to commit any act which is [an unlawful discriminatory act by virtue of (*insert reference to relevant Part or provision of the Act*)] [a contravention of section 37 of the Act] [an act which is a contravention of section 38/39/40 of the Act by reference to Part II/Part III thereof] [an act in breach of a term of a contract under which a person is employed, being a term modified or included by virtue of an equality clause within the meaning of the Equal Pay Act 1970].

Where compliance with the aforesaid requirement involves changes in any of your practices or other arrangements, you are further required, in pursuance of the said section 67(2), to inform the Commission [as hereinafter provided] that you have effected those changes and what those changes are [and to take the following steps for the purpose of affording that information to other persons concerned, namely (*specify steps to be taken*)].

[You are further required, in pursuance of section 67(3) of the Act, to furnish the Commission as hereinafter provided with the following information, to enable them to verify your compliance with this notice, namely, (*insert description of information required*).]

[The information to be furnished by you to the Commission in pursuance of this notice shall be furnished as follows, namely, (*specify the time or times at which, and the manner and form in which, the information, or information of a particular description, is to be furnished*).]

Dated the day of 19 .

This notice was issued by the Commission, the provisions of section 67(5) of the Act having been complied with.

C. D.
[Commissioner.]
[Chief Officer (*or other appropriate officer*)
of the Commission.]

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to notices given for the purpose of formal investigations under the Sex Discrimination Act 1975 and to non-discrimination notices issued in consequence of such investigations.

Regulation 3 provides for the mode of service of notices.

Regulation 4 prescribes the manner in which notice of an investigation is to be given to certain individuals in cases in which general notice of the investigation is not given.

Regulation 5 prescribes the form of a notice requiring a person to furnish or give information or produce documents.

Regulation 6 prescribes the form of a non-discrimination notice.

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