
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 439

**The Equality Act (Sexual Orientation)
Regulations (Northern Ireland) 2006**

Help for persons in obtaining information etc.

42.—(1) In accordance with this regulation, a person (“the person aggrieved”) who considers he may have been discriminated against, in contravention of these Regulations may serve on the respondent to a complaint presented under regulation 36 (Claims under regulations 5 to 17) questions in the form set out in Schedule 1 or forms to the like effect with such variation as the circumstances require; and the respondent may if he so wishes reply to such questions by way of the form set out in Schedule 2 or forms to the like effect with such variation as the circumstances require.

(2) Where the aggrieved person questions the respondent (whether in accordance with paragraph (1) or not) —

- (a) the questions, and any reply by the respondent (whether in accordance with paragraph (1) or not) shall, subject to the following provisions of this regulation, be admissible as evidence in the proceedings;
- (b) if it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse, omitted to reply within eight weeks of service of the questions or that his reply is evasive or equivocal, the court may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.

(3) In proceedings before a county court a question shall only be admissible as evidence in pursuance of paragraph (2)(a) —

- (a) where it has been served before those proceedings had been instituted, if it was so served within the period of six months beginning when the act complained of was done;
- (b) where it was served when those proceedings had been instituted, if it was served with the leave of, and within a period specified by, the court in question.

(4) A question and any reply may be served on the respondent or, as the case may be, on the person aggrieved.

(5) This regulation is without prejudice to any other statutory provision or rule of law regulating interlocutory and preliminary matters in proceedings before a county court or industrial tribunal, and has effect subject to any statutory provision or rule of law regulating the admissibility of evidence in such proceedings.

(6) In this regulation “respondent” includes a prospective respondent.