

EQUALITY ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: The Commission for Equality and Human Rights

Section 20: Investigations

69. *Section 20* gives the CEHR a power to conduct investigations into persons (both natural and legal). Such an investigation may be into the commission of an unlawful act under the equality enactments, compliance with a requirement of an unlawful act notice issued under section 21 or compliance with the terms of an agreement entered into under section 23.
70. *Subsection (2)*, the CEHR may only carry out an investigation under *subsection (1)(a)* if it suspects that the person concerned may have committed an unlawful act.
71. *Subsection (3)* provides that a belief of unlawful discrimination or harassment, sufficient to satisfy the requirement in *subsection (2)*, may have been acquired by the CEHR in the course of an inquiry, but need not be. The CEHR may carry out an investigation without having first carried out an inquiry.
72. *Subsection (4)* sets out the requirements which must be met before the CEHR can settle a report which records a finding that the person concerned has: committed an unlawful act; failed to comply with a requirement imposed by an unlawful act notice under section 21; or failed to comply with an undertaking given under section 23. The CEHR must send the person concerned a draft of the report and allow him at least 28 days in which to make written representations and consider any representations made.
73. *Schedule 2* sets out the provisions relating to terms of reference, representations, evidence, reports and recommendations and effects of recommendations in respect of inquiries, investigation and assessments. Commentary on Schedule 2 can be found below.