

**The Disability Discrimination (Questions and Replies) Order 1996 /
[Department for Education and Employment].**

Contributors

Great Britain.

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1996 No. 2793

DISABLED PERSONS

The Disability Discrimination (Questions and Replies) Order 1996

<i>Made</i>	- - - -	<i>5th November 1996</i>
<i>Laid before Parliament</i>		<i>7th November 1996</i>
<i>Coming into force</i>		<i>2nd December 1996</i>

In exercise of the powers conferred on the Secretary of State by sections 56(2) and (4) and section 67(3) of the Disability Discrimination Act 1995(a) and after consulting the Council on Tribunals the Secretary of State for Education and Employment hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Disability Discrimination (Questions and Replies) Order 1996 and shall come into force on 2nd December 1996.

(2) In this Order—

“the Act” means the Disability Discrimination Act 1995;

“tribunal” means an industrial tribunal.

Questions and replies

2. The forms respectively set out in Schedules 1 and 2 to this Order or forms to the like effect with such variation as the circumstances may require are, respectively, hereby prescribed as forms—

- (a) by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and
- (b) by which the respondent may if he wishes reply to any questions.

Period for service of questions

3. In proceedings before a tribunal, a question shall only be admissible as evidence in pursuance of section 56(3) of the Act—

- (a) where it was served before a complaint had been presented to a tribunal, if it was served within the period of three months beginning when the act complained of was done;
- (b) where it was served after a complaint had been presented to a tribunal—
 - (i) if it was served within the period of twenty one days beginning with the day on which the complaint was presented, or
 - (ii) if it was served with the leave of a tribunal, within the period specified by that tribunal.

(a) 1995 c.50.



Manner of service of questions and replies

4. A question to the respondent may be served on him—
 - (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
 - (c) where the person to be served is acting by a solicitor, by delivering it at, or by sending it by post to, the solicitor's address for service.
 - (d) where the person to be served is a body corporate or is a trade union or employers' association within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(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 the secretary or clerk at that office.
5. The respondent may serve a reply on the complainant by delivering the reply, or sending it by post, to him at the address for reply as stated in the document containing the questions.

SCHEDULE 1

THE DISABILITY DISCRIMINATION ACT 1995 s56 (2)(a). QUESTIONNAIRE OF COMPLAINANT

To (name of person to be questioned (the respondent))
of (address)

1. I (name of complainant)
of (address)

consider that you may have discriminated against me contrary to the Disability Discrimination Act 1995 ("the Act") by unjustifiably

- (a) for a reason relating to my disability, treating me less favourably than you treat or would treat people to whom that reason does not or would not apply, or
- (b) failing to take steps which it was reasonable in all the circumstances to have to take to prevent your employment arrangements or premises putting me at a substantial disadvantage compared with people who are not disabled.

2. (Give details including a factual description of the treatment received or the failure complained of. Describe any relevant circumstances leading up to this and include any relevant dates or approximate dates).

3. I consider this treatment or failure on your part may have been unlawful [because
.....
(complete if you wish to give reasons, otherwise delete)].

4. Do you agree that the statement in paragraph 2 above is an accurate description of what happened? If not, in what respect do you disagree or what is your version of what happened?

5. Do you accept that your treatment of me or any failure complained of was unlawful? If not—

- (a) why not,
- (b) do you consider your treatment of me or your failure to take action was justified for any material or substantial reason(s)?

6. (Any other questions you wish to ask.)

(a) 1992 c.52.

7. My address for any reply you may wish to give to the questions raised above is [that set out in paragraph 1 above] [the following address

.....].

..... (signature of complainant)

..... (date)

N.B.—By virtue of section 56(3) of the Act, this questionnaire and any reply are (subject to the provisions of section 56 and any orders made under that section) admissible in proceedings under Part II of the Act and a tribunal may draw any inference it considers is just and equitable from a failure without reasonable excuse to reply within a reasonable period, or from an evasive or equivocal reply, including any inference that the respondent has discriminated unlawfully under Part II of the Act.

SCHEDULE 2

THE DISABILITY DISCRIMINATION ACT 1995 s56 (2)(b). REPLY BY THE RESPONDENT

To (name of complainant)

of (address)

1. I (name of respondent)

of (address)

hereby acknowledge receipt of the questionnaire signed by you and dated

which was served on me on (date).

2. *I agree that the statement in paragraph 2 of the questionnaire is an accurate description of what happened.

*I disagree with the statement in paragraph 2 of the questionnaire in that

.....

3. I accept/dispute that my treatment of you or any failure to take action on my part was unlawful.

*My reasons for disputing this are

.....

*I consider my treatment of you or my failure to take action was justified for the following material and substantial reason(s).

(Include any reasons which in your view explain or justify your treatment of the applicant or any decision not to take action.)

4. (Replies to questions in paragraph 6 of the questionnaire.)

*5. I have deleted (in whole or in part) the paragraph(s) numbered above, since I am unable/unwilling to reply to the relevant questions in the correspondingly numbered paragraphs(s) of the questionnaire for the following reasons

.....
.....

..... Signature of respondent

..... Date

*delete as appropriate

5th November 1996

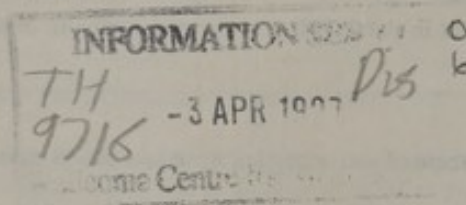
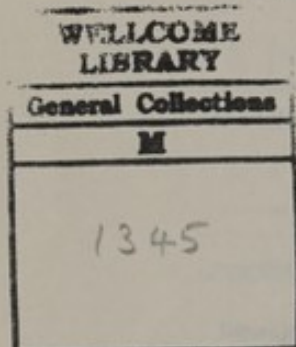
Henley
Minister of State
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of a questionnaire which may be used by people who consider they may have been discriminated against by employers or others contrary to any provision in Part II of the Disability Discrimination Act 1995. A form for the respondent's reply is also prescribed.

The Order also specifies the periods within which the questions must be served in order to be admissible in proceedings before an industrial tribunal.



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