

PRACTICE DIRECTION

PROCEEDINGS UNDER ENACTMENTS RELATING TO EQUALITY

Scope and Interpretation

- 1.1** This Practice Direction applies to certain county court proceedings under the enactments defined in paragraph 1.2.
- 1.2** In this Practice Direction –
 - (1) ‘the 2006 Act’ means the Equality Act 2006¹;
 - (2) ‘the 2010 Act’ means the Equality Act 2010²;
 - (3) ‘the Commission’ means the Commission for Equality and Human Rights;
- 1.3** For proceedings which relate to conduct before 1 October 2010, the Practice Direction on Proceedings Under Enactments Relating to Discrimination applies.

Commission to be given notice of claims

- 2.** When a claim under section 114 of the 2010 Act is commenced, the claimant must give notice of the commencement of the proceedings to the Commission and file a copy of that notice.

Assessors

- 3.** Rule 35.15 has effect in relation to an assessor who is to be appointed in proceedings under section 114 (7) of the 2010 Act.

Exclusion of persons from certain proceedings

- 4.1** In a claim brought under section 114 of the 2010 Act the court may, where it considers it expedient in the interests of national security –
 - (a) exclude from all or part of the proceedings –
 - (i) the claimant;
 - (ii) a representative of the claimant;
 - (iii) an assessor;
 - (b) permit a claimant or representative who has been excluded to make a statement to the court before the commencement of the proceedings, or the part of the proceedings, to which the exclusion relates;
 - (c) take steps to keep secret all or part of the reasons for its decision in the claim.
- 4.2** In this paragraph, a ‘special advocate’ means a person appointed under section 117(5) of the 2010 Act.
- 4.3** In proceedings to which this paragraph refers, where the claimant or a representative of the claimant has been excluded from all or part of the proceedings –
 - (a) the court will inform the Attorney General of the proceedings; and
 - (b) the Attorney General may appoint a special advocate to represent the interests of a claimant in, or in any part of, proceedings to which an exclusion under paragraph 4.1 relates.

¹ 2006 c. 3.

² 2010 c.15.

- 4.4** In exercise of its powers under paragraph 4.1(c), the court may order the special advocate not to communicate (directly or indirectly) with any person (including the excluded claimant) –
- (a) on any matter discussed or referred to; or
 - (b) with regard to any material disclosed, during or with reference to any part of the proceedings to which an exclusion under paragraph 4.1 relates.
- 4.5** Where the court makes an order referred to in paragraph 4.4 (or any similar order), the special advocate may apply for permission to seek instructions from, or otherwise to communicate with an excluded person and the court may make directions for that purpose.

Expenses of Commission

- 5.1** This paragraph applies where the Commission has, in respect of a claim, provided a claimant with assistance under section 28 of the 2006 Act.
- 5.2** If the Commission claims a charge for expenses incurred by it in providing such assistance, it must give notice of the claim to –
- (a) the court; and
 - (b) the claimant, within 14 days of determination of the proceedings.
- 5.3** If notice is given to the court under paragraph 5.2 –
- (a) money paid into court for the benefit of the claimant that relates to costs and expenses must not be paid out unless this is permitted by an order of the court; and
 - (b) the court may order the expenses incurred by the Commission to be assessed and paid as if they were costs payable by claimant to own solicitor.
- 5.4** The court may either –
- (a) make a summary assessment of the expenses; or
 - (b) order detailed assessment of the expenses by a costs officer.