
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 521

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2004

Made - - - - 30th November 2004
Laid before the Scottish Parliament - - - - 2nd December 2004
Coming into force - - 31st December 2004

The Scottish Ministers, in exercise of the powers conferred by sections 71(2) and (3) and 74(4) of the Race Relations Act 1976(1) and of all other powers enabling them in that behalf, after consultation with the Commission for Racial Equality in accordance with section 71(4) of that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2004 and shall come into force on 31st December 2004.

Amendment of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002

2. The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002(2) is amended as follows.

3. At the beginning of article 2(1) (race equality schemes) insert “Subject to article 2A,”.

4. After article 2 insert—

“2A.—(1) In the case of the bodies or persons specified in paragraph (2), article 2 shall apply subject to the modifications that—

(a) for “30th November 2002” in article 2(2) there is substituted “30th November 2005”; and

(1) 1976 c. 74 (“the 1976 Act”); section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c. 34). Subsections (2) to (4) of section 71 are deemed by virtue of section 71B(1) of the 1976 Act to be pre-commencement enactments within the meaning of the Scotland Act 1998 (c. 46) (“the 1998 Act”). The functions conferred on the Secretary of State by those subsections are therefore transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) S.S.I. 2002/62, amended by S.S.I. 2003/566.

- (b) for “30th November 2005” in article 2(4) there is substituted “30th November 2008”.
- (2) The specified bodies or persons are—
- (a) The Law Society of Scotland, in respect of its public functions;
 - (b) The Scottish Commission for the Regulation of Care;
 - (c) The Scottish Qualifications Authority; and
 - (d) The Scottish Social Services Council.”
5. In article 5(1) (monitoring by employers) for “article 5A,”(3) substitute “articles 5A and 5B,”.
6. After article 5A(4) insert—
- “**5B.** In the case of Bòrd na Gàidhlig (Alba), article 5 shall apply subject to the modification that for “30th November 2002” in article 5(1)(a) there is substituted “31st May 2005”.”.
7. In Schedule 3 (bodies or persons excepted by article 5(5)(c) of the 2002 Order) omit “The Scottish Hospital Trust”.

St Andrew’s House, Edinburgh
30th November 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

(3) The reference to article 5A was inserted by [S.S.I. 2003/566](#), article 3.
(4) Article 5A was inserted by [S.S.I. 2003/566](#), article 4.

EXPLANATORY NOTE

(This note is not part of the Order)

The Race Relations (Amendment) Act 2000 substituted a new section 71 into the Race Relations Act 1976 (“the 1976 Act”).

Section 71(1) of the 1976 Act imposes a general duty on persons specified in Schedule 1A to that Act (“Schedule 1A”) in carrying out their functions to have due regard to (a) the need to eliminate unlawful discrimination and (b) to promote equality of opportunity and good relations between persons of different racial groups.

Section 71(2) of the 1976 Act empowers the Scottish Ministers to impose by order specific duties on persons falling within Schedule 1A for the purpose of ensuring the better performance of the general duty under section 71(1) of that Act.

The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (“the 2002 Order”) made by the Scottish Ministers under section 71(2) imposes specific duties on bodies specified in Schedule 1A so far as within devolved competence. This Order amends the 2002 Order..

Article 4 inserts a new article 2A in the 2002 Order. This extends the duties under article 2 of that Order to those bodies or persons listed in article 4(2) of this Order and gives them until 30th November 2005 to comply with those duties.

Article 6 inserts a new article 5B in the 2002 Order. This extends the duties under article 5 of that Order to Bòrd na Gàidhlig (Alba) and gives them until 31st May 2005 to comply with those duties.

Article 7 amends Schedule 3 to the 2002 Order which lists those bodies or persons excepted from the duties of monitoring by employers in article 5 of that Order.