

---

STATUTORY INSTRUMENTS

---

**2021 No. 1322**

**EQUALITY, WALES  
EQUALITY, SCOTLAND**

The Equality Act 2010 (Commencement  
No. 16) (Wales and Scotland) Order 2021

Made - - - - 19th November 2021

The Secretary of State, in exercise of the powers conferred by section 216(3) of the Equality Act 2010<sup>(1)</sup>, makes the following Order:

**Citation, interpretation, commencement and application**

1. This Order may be cited as the Equality Act 2010 (Commencement No. 16) (Wales and Scotland) Order 2021.
2. In this Order, “the 2006 Act” means the Equality Act 2006<sup>(2)</sup>.
3. The provision specified in article 4 comes into force on the day after the day on which this Order is made, for the purposes of the application of Part 1 of the 2006 Act in Wales and Scotland only.

**Provision coming into force**

4. The provision is paragraph 76 of Schedule 26 to the Equality Act 2010, in so far as it relates to section 34(2)(a) of the 2006 Act, as substituted by sub-paragraph (3)(b) of that paragraph.

*Liz Truss*  
Secretary of State for Foreign, Commonwealth  
and Development Affairs and Minister for  
Women and Equalities  
Foreign, Commonwealth and Development  
Office

19th November 2021

---

(1) 2010 c. 15.  
(2) 2006 c. 3.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the sixteenth commencement order made under the Equality Act 2010 ('the 2010 Act').

It makes a partial commencement of paragraph 76 of Schedule 26 to the 2010 Act, and applies for the purposes of the application of Part 1 of the Equality Act 2006 ('the 2006 Act') in Scotland and Wales only. Paragraph 76 contains amendments to section 34 of the 2006 Act. Section 34 of the 2006 Act sets out the meaning of the term 'unlawful' for the purposes of Part 1 of that Act. The term is relevant to the exercise of functions by the Commission for Equality and Human Rights ('EHRC'), established under the 2006 Act.

The amendment brought into force by this Order has the effect of excluding a breach of section 1 (public sector duty regarding socio-economic inequalities) of the 2010 Act from the meaning of 'unlawful' in section 34 of the 2006 Act. Although section 1 of the 2010 Act is not in force in England, it is in force in Scotland and Wales, where the EHRC has functions.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) to (3) and (6) (as to Scotland)	1 April 2018	<a href="#">2017/403</a>
Section 1 (as to Wales)	31 March 2021	<a href="#">2021/298</a>
Section 2 (in so far as it confers a power on the Scottish Ministers)	1 April 2018	<a href="#">2017/403</a>
Section 2 (in so far as it confers a powers on the Welsh Ministers)	19 November 2019	<a href="#">2019/1469</a>
Section 3 (as to Scotland)	1 April 2018	<a href="#">2017/403</a>
Section 3 (as to Wales)	31 March 2021	<a href="#">2021/298</a>
Sections 4 and 5	1 October 2010	<a href="#">2010/2317</a>
Section 6(5) (partially)	6 July 2010	<a href="#">2010/1736</a>
Section 6(6) (partially)	4 August 2010	<a href="#">2010/1966</a>
Section 6 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Sections 7 to 13	1 October 2010	<a href="#">2010/2317</a>
Sections 15 to 21	1 October 2010	<a href="#">2010/2317</a>
Section 22 (partially)	6 July 2010	<a href="#">2010/1736</a>
Section 22 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Sections 23 to 27	1 October 2010	<a href="#">2010/2317</a>
Sections 28 to 31 (partially)	1 October 2010	<a href="#">2010/2317</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 28 to 31 (in so far as not already in force)	1 October 2012	2012/1569
Section 31(9) (in so far as not already in force)	1 September 2012	2012/2184
Sections 32 to 35	1 October 2010	2010/2317
Section 36(1)(a) to (c), (2) to (4), (7) and (8)	1 October 2010	2010/2317
Section 37	11 July 2011	2011/1636
Section 38(1) to (7) and (9)	1 October 2010	2010/2317
Section 38(8) (partially)	4 August 2010	2010/1966
Section 38(8) (partially)	1 October 2010	2010/2317
Sections 39 to 60	1 October 2010	2010/2317
Section 61(8) and (9) (partially)	6 July 2010	2010/1736
Section 61 (in so far as not already in force)	1 October 2010	2010/2317
Sections 62 to 77	1 October 2010	2010/2317
Section 78	22 August 2016	2016/839
Section 79	1 October 2010	2010/2317
Section 80(8) (partially)	4 August 2010	2010/1966
Section 80 (in so far as not already in force)	1 October 2010	2010/2317
Section 81 (partially)	6 July 2010	2010/1736
Section 81 (in so far as not already in force)	1 October 2010	2010/2317
Section 82 (partially)	6 July 2010	2010/1736
Section 82 (in so far as not already in force)	1 October 2010	2010/2317
Section 83(11) (partially)	4 August 2010	2010/1966
Section 83 (in so far as not already in force)	1 October 2010	2010/2317
Sections 84 to 93	1 October 2010	2010/2317
Section 94(12) (partially)	4 August 2010	2010/1966
Section 94 (in so far as not already in force)	1 October 2010	2010/2317
Section 95	1 October 2010	2010/2317
Section 96(9) (b) (partially)	3 September 2010	22010/2191
Section 96(10) and (11) (partially)	6 July 2010	2010/1736
Section 96 (in so far as not already in force)	1 October 2010	2010/2317
Section 97 (partially)	6 July 2010	2010/1736
Section 97 (in so far as not already in force)	1 October 2010	2010/2317
Section 98 (partially)	1 October 2010	2010/2317
Section 98 (in so far as not already in force)	1 September 2012	2012/2184
Section 99	1 October 2010	2010/2317

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 100 to 105 (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 100 to 105 (in so far as not already in force)	1 October 2012	<a href="#">2012/1569</a>
Section 107 (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 107 (in so far as not already in force)	1 October 2012	<a href="#">2012/1569</a>
Sections 108 to 115	1 October 2010	<a href="#">2010/2317</a>
Section 116(1)(a) and (b) and (2)	1 October 2010	<a href="#">2010/2317</a>
Section 116(1)(c) (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 116(1)(c) (in so far as not already in force)	18 March 2011	<a href="#">2010/2317</a>
Section 116(3) (partially)	4 August 2010	<a href="#">2010/1966</a>
Section 116(3) (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 116(3) (in so far as not already in force)	18 March 2011	<a href="#">2010/2317</a>
Section 117(1) to (4) (partially)	6 July 2010	<a href="#">2010/1736</a>
Section 117 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Sections 118 to 135	1 October 2010	<a href="#">2010/2317</a>
Section 136(1) to (6)(a) to (e)	1 October 2010	<a href="#">2010/2317</a>
Section 136(6)(f)	18 March 2011	<a href="#">2010/2317</a>
Section 137	1 October 2010	<a href="#">2010/2317</a>
Section 138(1) and (2) and (5) to (7) (partially)	6 July 2010	<a href="#">2010/1736</a>
Section 138 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Section 139 to 146	1 October 2010	<a href="#">2010/2317</a>
Section 147(4) (partially)	6 July 2010	<a href="#">2010/1736</a>
Section 147 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Section 148	1 October 2010	<a href="#">2010/2317</a>
Section 149	5 April 2011	<a href="#">2011/1066</a>
Section 150 (partially)	18 January 2011	<a href="#">2011/96</a>
Section 150 (in so far as not already in force)	5 April 2011	<a href="#">2011/1066</a>
Sections 151 to 155	18 January 2011	<a href="#">2011/96</a>
Section 156	5 April 2011	<a href="#">2011/1066</a>
Section 157	18 January 2011	<a href="#">2011/96</a>
Section 158	1 October 2010	<a href="#">2010/2317</a>
Section 159 (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 159 (in so far as not already in force)	6 April 2011	<a href="#">2011/96</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 161 (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 165 (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 165 (in so far as not already in force)	6 April 2017	<a href="#">2017/107</a>
Section 166	1 October 2010	<a href="#">2010/2317</a>
Section 167(1) to (5) and (7) (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 167(6)	1 October 2010	<a href="#">2010/2317</a>
Section 167 (in so far as not already in force)	6 April 2017	<a href="#">2017/107</a>
Sections 168 to 185	1 October 2010	<a href="#">2010/2317</a>
Sections 187 and 188	1 October 2010	<a href="#">2010/2317</a>
Section 189 (partially)	4 August 2010	<a href="#">2010/1966</a>
Section 189 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Section 190	1 October 2010	<a href="#">2010/2317</a>
Section 191 (partially)	1 October 2010	<a href="#">2010/2317</a>
Sections 192 to 195	1 October 2010	<a href="#">2010/2317</a>
Section 196 (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 197	19 June 2012	<a href="#">2012/1569</a>
Section 202(1) (partially)	11 July 2011	<a href="#">2011/1636</a>
Section 202(3)	11 July 2011	<a href="#">2011/1636</a>
Section 202(4) (partially)	11 July 2011	<a href="#">2011/1636</a>
Section 202 (in so far as not already in force)	5 December 2011	<a href="#">2011/2646</a>
Section 206	1 October 2010	<a href="#">2010/2317</a>
Section 211(1) (partially)	6 July 2010	<a href="#">2010/1736</a>
Section 211(1) (partially)	4 August 2010	<a href="#">2010/1966</a>
Section 211(1) (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 211(1) (partially)	5 April 2011	<a href="#">2011/1066</a>
Section 211(2) (partially)	1 October 2010	<a href="#">2010/2317</a>
Section 211(2) (partially)	5 April 2011	<a href="#">2011/1066</a>
Schedule 1, paragraphs 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15 and 16 (partially)	6 July 2010	<a href="#">2010/1736</a>
Schedule 1 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Schedules 2 and 3 (partially)	1 October 2010	<a href="#">2010/2317</a>
Schedule 2 (in so far as not already in force)	1 September 2012	<a href="#">2012/2184</a>
Schedule 3 (in so far as not already in force)	1 October 2012	<a href="#">2012/1569</a>
Schedule 4, paragraphs 1 to 4	1 October 2010	<a href="#">2010/2317</a>
Schedule 4, paragraph 8 (partially)	1 October 2010	<a href="#">2010/2317</a>

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 4, paragraph 9 (partially)	6 July 2010	2010/1736
Schedule 4, paragraph 9 (in so far as not already in force)	1 October 2010	2010/2317
Schedules 5 and 6	1 October 2010	2010/2317
Schedule 7, paragraphs 4, 5 and 6 (partially)	6 July 2010	2010/1736
Schedule 7 (in so far as not already in force)	1 October 2010	2010/2317
Schedule 8	1 October 2010	2010/2317
Schedule 9 paragraph 16 (partially)	6 July 2010	2010/1736
Schedule 9 (in so far as not already in force)	1 October 2010	2010/2317
Schedules 10 and 11	1 October 2010	2010/2317
Schedule 12, paragraph 5 (partially)	6 July 2010	2010/1736
Schedule 12 (in so far as not already in force)	1 October 2010	2010/2317
Schedule 13 (partially)	1 October 2010	2010/2317
Schedule 13 (in so far as not already in force)	1 September 2012	2012/2184
Schedules 14 and 15	1 October 2010	2010/2317
Schedule 16 (partially)	1 October 2010	2010/2317
Schedule 16 (in so far as not already in force)	1 October 2012	2012/1569
Schedule 17, paragraphs 1 and 6(1) to (7) (partially)	6 July 2010	2010/1736
Schedule 17, paragraphs 1 and 6(1) to (7) (in so far as not already in force)	1 October 2010	2010/2317
Schedule 17, paragraphs 2 to 5	1 October 2010	2010/2317
Schedule 17, paragraph 6(8) and (9)	1 October 2010	2010/2317
Schedule 17, paragraphs 7 to 12 (partially)	1 October 2010	2010/2317
Schedule 17, paragraphs 7 to 12 (in so far as not already in force)	18 March 2011	2010/2317
Schedule 17, paragraphs 13 and 14	1 October 2010	2010/2317
Schedule 18	5 April 2011	2011/1066
Schedule 19	18 January 2011	2011/96
Schedule 21, paragraph 6 (partially)	6 July 2010	2010/1736
Schedule 21 (in so far as not already in force)	1 October 2010	2010/2317
Schedules 22 and 23 (partially)	1 October 2010	2010/2317
Schedules 22 and 23 (in so far as not already in force)	1 October 2012	2012/1569
Schedule 25	1 October 2010	2010/2317
Schedule 26, paragraphs 1 to 8	1 October 2010	2010/2317

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 26, paragraphs 9 to 12	5 April 2011	<a href="#">2011/1066</a>
Schedule 26, paragraphs 13 to 60	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 61 (partially)	4 August 2010	<a href="#">2010/1966</a>
Schedule 26, paragraph 61 (in so far as not already in force)	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraphs 62 to 64	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 65(1) to (3) and (5)	6 July 2010	<a href="#">2010/1736</a>
Schedule 26, paragraph 65(4)	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 65(6)	5 April 2011	<a href="#">2011/1066</a>
Schedule 26, paragraphs 66 to 72	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraphs 73 and 74	5 April 2011	<a href="#">2011/1066</a>
Schedule 26, paragraph 75	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 76 (partially)	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 76 (partially)	5 April 2011	<a href="#">2011/1066</a>
Schedule 26, paragraphs 77 to 81	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 82 (partially)	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 82 (in so far as not already in force)	5 April 2011	<a href="#">2011/1066</a>
Schedule 26, paragraphs 83 to 106	1 October 2010	<a href="#">2010/2317</a>
Schedule 26, paragraph 106A	5 April 2011	<a href="#">2011/1066</a>
Schedule 26, paragraph 107	1 October 2010	<a href="#">2010/2317</a>
Schedule 27 (partially)	1 October 2010	<a href="#">2010/2317</a>
Schedule 27 (partially)	5 April 2011	<a href="#">2011/1066</a>