

**Changes to legislation:** Equality Act 2010, Cross Heading: Age is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

PART 4

IMMIGRATION

*[<sup>F1</sup>Age*

Textual Amendments

F1

Sch. 3 para. 15A and cross-heading inserted (1.10.2012) by [The Equality Act 2010 \(Age Exceptions\) Order 2012 \(S.I. 2012/2466\)](#), [art. 2](#)

- 15A
- (1) This paragraph applies in relation to age discrimination.

(2) Section 29 does not apply to anything done by a relevant person in the exercise of [<sup>F2</sup>relevant functions].

(3) A relevant person is —

(a) a Minister of the Crown acting personally, or

(b) a person acting in accordance with a relevant authorisation.

(4) A relevant authorisation is a requirement imposed or express authorisation given—

(a) with respect to a particular case or class of case, [<sup>F3</sup>by or under anything mentioned in sub-paragraph (5)(a) to (c)];

(b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.

(5) [<sup>F4</sup>“Relevant functions” means functions exercisable by virtue of ] —

(a) the Immigration Acts,

(b) the Special Immigration Appeals Commission Act 1997, [<sup>F5</sup>or]

(c) [<sup>F6</sup>anything which forms part of [<sup>F7</sup>assimilated law and was made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 or forms part of assimilated law by virtue of section 3] of the European Union (Withdrawal) Act 2018 and [<sup>F8</sup>(in either case)]] relates to immigration or asylum. <sup>F9</sup>...

<sup>F9</sup>(d)

.....

(6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—

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- (a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc. ), or
- (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc. ) Act 2004 (power of arrest). ]

#### Textual Amendments

- F2** Words in Sch. 3 para. 15A(2) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 3 para. 15A(4)(b) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 3 para. 15A(5) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Sch. 3 para. 15A(5)(b) inserted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. 3 para. 15A(5)(c) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Sch. 3 para. 15A(5)(c) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 72(2)(a)**
- F8** Words in Sch. 3 para. 15A(5)(c) inserted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 72(2)(b)**
- F9** Sch. 3 para. 15A(5)(d) and word omitted (31.12.2020) by virtue of [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)