



Equality Act 2010

2010 CHAPTER 15

PART 16

GENERAL AND MISCELLANEOUS

Subordinate legislation

210 The Scottish Ministers

- (1) This section applies where the power to make an order, regulations or rules under this Act is exercisable by the Scottish Ministers.
- (2) A statutory instrument containing (whether alone or with other provision) an order or regulations mentioned in subsection (3) is subject to the affirmative procedure.
- (3) The orders and regulations referred to in subsection (2) are—
 - (a) regulations under section 2 (socio-economic inequalities);
 - (b) regulations under section 37 (power to make provision about adjustments to common parts in Scotland);
 - (c) an order under section 151 (power to amend list of public authorities for the purposes of the public sector equality duty);
 - (d) regulations under section 153 or 154(2) (public sector equality duty: powers to impose specific duties);
 - (e) regulations under section 155(5) that amend an Act of Parliament or an Act of the Scottish Parliament (public sector equality duty: power to modify or remove specific duties).
- (4) But a statutory instrument is not subject to the affirmative procedure by virtue of subsection (2) merely because it contains an order under section 151 that provides for—
 - (a) the omission of an entry where the authority concerned has ceased to exist, or
 - (b) the variation of an entry where the authority concerned has changed its name.

Status: This is the original version (as it was originally enacted).

- (5) A statutory instrument that is not subject to the affirmative procedure by virtue of subsection (2) is subject to the negative procedure.
- (6) If a statutory instrument is subject to the affirmative procedure, the order or regulations contained in it must not be made unless a draft of the instrument is laid before and approved by a resolution of the Scottish Parliament.
- (7) If a statutory instrument is subject to the negative procedure, it is subject to annulment in pursuance of a resolution of the Scottish Parliament.