
Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Equality schemes. (See end of Document for details)

SCHEDULES

SCHEDULE 9

EQUALITY: ENFORCEMENT OF DUTIES

Equality schemes

- 2 (1) A public authority to which this sub-paragraph applies shall, before the end of the period of six months beginning with the commencement of this Schedule or, if later, the establishment of the authority, submit a scheme to the Commission.
- (2) Sub-paragraph (1) applies to any public authority except one which is notified in writing by the Commission that that sub-paragraph does not apply to it.
- 3 (1) Where it thinks appropriate, the Commission may—
- (a) request a public authority to which paragraph 2(1) does not apply to make a scheme;
 - (b) request any public authority to make a revised scheme.
- (2) A public authority shall respond to a request under this paragraph by submitting a scheme to the Commission before the end of the period of six months beginning with the date of the request.
- 4 (1) A scheme shall show how the public authority proposes to fulfil the duties imposed by section 75 in relation to the relevant functions.
- (2) A scheme shall state, in particular, the authority's arrangements—
- (a) for assessing its compliance with the duties under section 75 and for consulting on matters to which a duty under that section is likely to be relevant (including details of the persons to be consulted);
 - (b) for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity;
 - (c) for monitoring any adverse impact of policies adopted by the authority on the promotion of equality of opportunity;
 - (d) for publishing the results of such assessments as are mentioned in paragraph (b) and such monitoring as is mentioned in paragraph (c);
 - (e) for training staff;
 - (f) for ensuring, and assessing, public access to information and to services provided by the authority.
- (3) A scheme shall—
- (a) conform to any guidelines as to form or content which are issued by the Commission with the approval of the Secretary of State;
 - (b) specify a timetable for measures proposed in the scheme; and
 - (c) include details of how it will be published.
- (4) In this paragraph—

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“equality of opportunity” means such equality of opportunity as is mentioned in section 75(1);

“the relevant functions” means the functions of the public authority or, in the case of a scheme submitted in response to a request which specifies particular functions of the public authority, those functions.

[^{F1}(5) But where the public authority is designated by order under section 75(3)(a) or (d)—

“equality of opportunity” does not include equality of opportunity in relation to which (by virtue of the order) the public authority has no obligations under section 75(1);

“the relevant functions” does not include functions of the public authority so far as the obligations imposed by section 75 do not (by virtue of the order) apply to their exercise.]

Textual Amendments

F1 Sch. 9 para. 4(5) inserted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), ss. 22(2), 28(1)(f)

- 5 Before submitting a scheme a public authority shall consult, in accordance with any directions given by the Commission—
- (a) representatives of persons likely to be affected by the scheme; and
 - (b) such other persons as may be specified in the directions.
- 6 (1) On receipt of a scheme the Commission shall—
- (a) approve it; or
 - (b) refer it to the Secretary of State.
- (2) Where the Commission refers a scheme to the Secretary of State under sub-paragraph (1)(b), it shall notify the Assembly in writing that it has done so and send the Assembly a copy of the scheme.
- 7 (1) Where a scheme is referred to the Secretary of State he shall—
- (a) approve it;
 - (b) request the public authority to make a revised scheme; or
 - (c) make a scheme for the public authority.
- (2) A request under sub-paragraph (1)(b) shall be treated in the same way as a request under paragraph 3(1)(b).
- (3) Where the Secretary of State—
- (a) requests a revised scheme under sub-paragraph (1)(b); or
 - (b) makes a scheme under sub-paragraph (1)(c),
- he shall notify the Assembly in writing that he has done so and, in a case falling within paragraph (b), send the Assembly a copy of the scheme.
- 8 (1) If a public authority wishes to revise a scheme it may submit a revised scheme to the Commission.
- (2) A revised scheme shall be treated as if it were submitted in response to a request under paragraph 3(1)(b).
- (3) A public authority shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme under this sub-

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paragraph, whichever is the later, review that scheme and inform the Commission of the outcome of the review.

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