



Equality Act 2010

2010 CHAPTER 15

PART 16

GENERAL AND MISCELLANEOUS

EU obligations

203 Harmonisation

- (1) This section applies if—
 - (a) there is a Community obligation of the United Kingdom which a Minister of the Crown thinks relates to the subject matter of the Equality Acts,
 - (b) the obligation is to be implemented by the exercise of the power under section 2(2) of the European Communities Act 1972 (the implementing power), and
 - (c) the Minister thinks that it is appropriate to make harmonising provision in the Equality Acts.
- (2) The Minister may by order make the harmonising provision.
- (3) If the Minister proposes to make an order under this section, the Minister must consult persons and organisations the Minister thinks are likely to be affected by the harmonising provision.
- (4) If, as a result of the consultation under subsection (3), the Minister thinks it appropriate to change the whole or part of the proposal, the Minister must carry out such further consultation with respect to the changes as the Minister thinks appropriate.
- (5) The Equality Acts are the Equality Act 2006 and this Act.
- (6) Harmonising provision is provision made in relation to relevant subject matter of the Equality Acts—
 - (a) which corresponds to the implementing provision, or

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- (b) which the Minister thinks is necessary or expedient in consequence of or related to provision made in pursuance of paragraph (a) or the implementing provision.
- (7) The implementing provision is provision made or to be made in exercise of the implementing power in relation to so much of the subject matter of the Equality Acts as implements a Community obligation.
- (8) Relevant subject matter of the Equality Acts is so much of the subject matter of those Acts as does not implement a Community obligation.
- (9) A harmonising provision may amend a provision of the Equality Acts.
- (10) The reference to this Act does not include a reference to this section or Schedule 24 or to a provision specified in that Schedule.
- (11) A Minister of the Crown must report to Parliament on the exercise of the power under subsection (2)—
 - (a) at the end of the period of 2 years starting on the day this section comes into force;
 - (b) at the end of each succeeding period of 2 years.

204 Harmonisation: procedure

- (1) If, after the conclusion of the consultation required under section 203, the Minister thinks it appropriate to proceed with the making of an order under that section, the Minister must lay before Parliament—
 - (a) a draft of a statutory instrument containing the order, together with
 - (b) an explanatory document.
- (2) The explanatory document must—
 - (a) introduce and give reasons for the harmonising provision;
 - (b) explain why the Minister thinks that the conditions in subsection (1) of section 203 are satisfied;
 - (c) give details of the consultation carried out under that section;
 - (d) give details of the representations received as a result of the consultation;
 - (e) give details of such changes as were made as a result of the representations.
- (3) Where a person making representations in response to the consultation has requested the Minister not to disclose them, the Minister must not disclose them under subsection (2)(d) if, or to the extent that, to do so would (disregarding any connection with proceedings in Parliament) constitute an actionable breach of confidence.
- (4) If information in representations made by a person in response to consultation under section 203 relates to another person, the Minister need not disclose the information under subsection (2)(d) if or to the extent that—
 - (a) the Minister thinks that the disclosure of information could adversely affect the interests of that other person, and
 - (b) the Minister has been unable to obtain the consent of that other person to the disclosure.
- (5) The Minister may not act under subsection (1) before the end of the period of 12 weeks beginning with the day on which the consultation under section 203(3) begins.

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- (6) Laying a draft of a statutory instrument in accordance with subsection (1) satisfies the condition as to laying imposed by subsection (8) of section 208, in so far as that subsection applies in relation to orders under section 203.