



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.

Changes to legislation: Equality Act 2010, Section 210 is up to date with all changes known to be in force on or before 18 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

- (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.

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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](#)