
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 467

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2006

Made - - - - - *13th September 2006*
Laid before the Scottish
Parliament - - - - - *14th September 2006*
Coming into force - - - - - *7th October 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 71(2) and (3) and 74(4) of the Race Relations Act 1976(1) and of all other powers enabling them in that behalf, after consultation with the Commission for Racial Equality in accordance with section 71(4) of that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2006 and shall come into force on 7th October 2006.

Amendment of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002

2. The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002(2) is amended as follows.

3. At the beginning of article 2(1) (race equality schemes) for “Subject to article 2A,”(3) substitute “Subject to articles 2A and 2B,”.

4. After article 2A(4) insert—

“**2B.**—(1) In the case of the bodies or persons specified in paragraph (2), article 2 shall apply subject to the modifications that—

(1) 1976 c. 74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c. 34). Subsections (2) to (4) of section 71 are deemed by virtue of section 71B(1) of the Race Relations Act 1976 to be pre-commencement enactments within the meaning of the Scotland Act 1998 (c. 46) (“the 1998 Act”). The functions conferred on the Secretary of State by those subsections are therefore transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) S.S.I. 2002/62, amended by S.S.I. 2003/331, S.S.I. 2003/566 and S.S.I. 2004/521.

(3) The reference to article 2A was inserted by S.S.I. 2004/521, article 3.

(4) Article 2A was inserted by S.S.I. 2004/521, article 4.

- (a) for “30th November 2002” in article 2(2) there is substituted “30th November 2007”; and
- (b) for “30th November 2005” in article 2(4) there is substituted “30th November 2010”.
- (2) The specified bodies or persons are—
- (a) Bòrd na Gàidhlig;
 - (b) The Board of Trustees for the National Galleries of Scotland established under section 3 of the National Galleries of Scotland Act 1906⁽⁵⁾;
 - (c) The Board of Trustees of the National Museums of Scotland established under section 1 of the National Heritage (Scotland) Act 1985⁽⁶⁾;
 - (d) The Cairngorms National Park Authority;
 - (e) A chief officer of a community justice authority appointed under section 4 of the Management of Offenders etc. (Scotland) Act 2005⁽⁷⁾;
 - (f) A Chief Officer of a relevant authority appointed under section 7 of the Fire (Scotland) Act 2005⁽⁸⁾;
 - (g) The Commissioner for Children and Young People in Scotland;
 - (h) A community justice authority established under section 3 of the Management of Offenders etc. (Scotland) Act 2005;
 - (i) A joint fire and rescue board constituted by a scheme under section 2(1) of the Fire (Scotland) Act 2005;
 - (k) The Loch Lomond and The Trossachs National Park Authority;
 - (l) The Scottish Arts Council;
 - (m) The Scottish Further and Higher Education Funding Council;
 - (n) Scottish Natural Heritage;
 - (o) Scottish Screen;
 - (p) The Scottish Sports Council;
 - (q) The Trustees of the National Library of Scotland, constituted under section 1 of the National Library of Scotland Act 1925⁽⁹⁾.
5. At the end of article 4 (educational bodies or persons), insert—
- “(6) The Scottish Further and Higher Education Funding Council shall, before 31st May 2007, have in place arrangements for fulfilling, as soon as is reasonably practicable, the duty specified in paragraph (4), and shall fulfil that duty in accordance with such arrangements.
- (7) The Scottish Further and Higher Education Funding Council shall take such steps as are reasonably practicable to publish annually commencing from 31st May 2007 the results of its monitoring under paragraph (6).”.
6. In article 5(1) (monitoring by employers) for “articles 5A and 5B”⁽¹⁰⁾, substitute “articles 5A, 5B and 5C.”.
7. After article 5B⁽¹¹⁾ insert—

⁽⁵⁾ 1906 c. 50.

⁽⁶⁾ 1985 c. 16.

⁽⁷⁾ 2005 asp 14.

⁽⁸⁾ 2005 asp 5.

⁽⁹⁾ 1925 c. 73.

⁽¹⁰⁾ The reference to article 5A was inserted by *S.S.I. 2003/566*, article 3, and to article 5B by *S.S.I. 2004/521* article 5.

⁽¹¹⁾ Article 5A was inserted by *S.S.I. 2003/566*, article 4, and article 5B was inserted by *S.S.I. 2004/521*, article 6.

“5C.—(1) In the case of the bodies or persons specified in paragraph (2), article 5 shall apply subject to the modification that for “30th November 2002” in article 5(1)(a) there is substituted “31st May 2007.

(2) The specified bodies or persons are—

- (a) Architecture and Design Scotland;
- (b) Bòrd na Gàidhlig;
- (c) The chief officer of a community justice authority appointed under section 4 of the Management of Offenders etc. (Scotland) Act 2005;
- (d) A Chief Officer of a relevant authority appointed under section 7 of the Fire (Scotland) Act 2005;
- (e) The Commissioner for Children and Young People in Scotland;
- (f) A community justice authority established under section 3 of the Management of Offenders etc. (Scotland) Act 2005;
- (g) A joint fire and rescue board constituted by a scheme under section 2(1) of the Fire (Scotland) Act 2005;
- (h) The Risk Management Authority;
- (i) The Scottish Further and Higher Education Funding Council;
- (j) The Scottish Library and Information Council;
- (k) The Scottish Museums Council;
- (l) Scottish Ufl Limited;
- (m) Scottish Ufl Trust Limited;
- (n) A Transport Partnership created by virtue of an order under section 1 of the Transport (Scotland) Act 2005⁽¹²⁾;
- (o) The Water Industry Commission for Scotland established under section 1 of the Water Services etc. (Scotland) Act 2005⁽¹³⁾.”.

8. In Schedule 1 (bodies and other persons required to publish race equality schemes) omit “The Scottish Further Education Funding Council” and “The Scottish Higher Education Funding Council”.

9. In Part IV of Schedule 2 (educational bodies or persons) omit “The Scottish Further Education Funding Council” and “The Scottish Higher Education Funding Council”.

10. In Schedule 3 (bodies or persons excepted by article 5(5)(c) of the 2002 Order)—

- (a) after “Members of the staff of the Scottish Administration within the meaning given by section 126(7)(b) of the Scotland Act 1998” insert “The Mobility and Access Committee for Scotland”;
- (b) after “An Office-holder in the Scottish Administration within the meaning given by section 126(7)(a) of the Scotland Act 1998 other than those listed in Schedule 1 to this Order” insert “The panel constituted under Schedule 4 of the Rent (Scotland) Act 1984”⁽¹⁴⁾; and
- (c) omit “The Royal Fine Art Commission for Scotland”.

⁽¹²⁾ 2005 asp 12.

⁽¹³⁾ 2005 asp 3.

⁽¹⁴⁾ 1984 c. 58.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
13th September 2006

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

The Race Relations (Amendment) Act 2000 substituted a new section 71 into the Race Relations Act 1976 (“the 1976 Act”).

Section 71(1) of the 1976 Act imposes a general duty on persons specified in Schedule 1A to that Act in carrying out their functions to have due regard to (a) the need to eliminate unlawful discrimination and (b) to promote equality of opportunity and good relations between persons of different racial groups.

Section 71(2) of the 1976 Act empowers the Scottish Ministers to impose by order specific duties on persons falling within Schedule 1A for the purpose of ensuring the better performance of the general duty under section 71(1) of that Act.

The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (“the 2002 Order”) made by the Scottish Ministers under section 71(2) imposes specific duties on bodies specified in Schedule 1A to the 1976 Act so far as within devolved competence. This Order further amends the 2002 Order. The 2002 Order has been amended by the Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2003, the Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003, and the Race Relations Act 1976 (Statutory Duties)(Scotland)Amendment Order 2004.

Article 3 inserts reference to a new article 2B of the 2002 Order.

Article 4 inserts the new article 2B in the 2002 Order. This extends the duties under article 2 of that Order to those bodies or persons listed in paragraph (2) and gives them until 30th November 2007 to comply with those duties.

Article 5 inserts further provisions in article 4 of the 2002 Order. These extend the duty under article 4(4) of the 2002 Order to the Scottish Further and Higher Education Funding Council, provide that the Council shall have in place arrangements to fulfil that duty before 31st May 2007, and that the Council shall take steps annually to publish the results of its monitoring.

Article 6 inserts reference to a new article 5C of the 2002 Order.

Article 7 inserts the new article 5C in the 2002 Order. This extends the duties under Article 5 of that Order to those bodies or persons listed in paragraph (2) and gives them until 31st May 2007 to comply with those duties.

Article 8 amends Schedule 1 to the 2002 Order which lists those bodies or persons required to publish race equality schemes.

Article 9 amends Part IV of Schedule 2 to the 2002 Order, which lists educational bodies or persons that require to comply with the duty specified in article 4(4) of the 2002 Order.

Article 10 amends Schedule 3 to the 2002 Order, which lists bodies or persons that are excepted from the duties of monitoring by employers in article 5 of that Order.