

Draft Order laid before Parliament under section 208(2) and (8) of the Equality Act 2010, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

EQUALITY

The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010

Made - - - - - *2010*

Coming into force in accordance with Article 1

A draft of this Order was laid before and approved by a resolution of each House of Parliament in accordance with section 208(2) and (8) of the Equality Act 2010(a).

This Order is made in exercise of the powers conferred by sections 207(4), (6) and (7) and 216 of the Equality Act 2010. The power under section 207(4)(b) of that Act is exercised in its application to section 216 of that Act.

The Secretary of State, in exercise of those powers, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010.

(2) This Order comes into force on 1st October 2010.

(3) In this Order “the Act” means the Equality Act 2010.

Amendments to the Act

2. The Act is amended as follows.

3. In section 87 (the title to which becomes “Application of enforcement powers under education legislation”)—

(a) in subsection (1), after “the Education Act 1996(b)” insert “and section 70 of the Education (Scotland) Act 1980(c)”, and

(b) in subsection (2)—

(i) for “that Act” substitute “the Education Act 1996”, and

(a) 2010 c. 15.
(b) 1996 c. 56.
(c) 1980 c. 44.

- (ii) insert at the end “; and section 70 of the Education (Scotland) Act 1980 does not apply to the performance of a duty under that section by the proprietor of an independent school”.

4. In section 94 (further and higher education: interpretation), after subsection (11), insert—

“(11A) A reference to conferring a qualification includes a reference—

- (a) to renewing or extending the conferment of a qualification;
- (b) to authenticating a qualification conferred by another person.”.

5. In section 108(4) (reasonable adjustments after a relationship has come to an end) for “in so far as B continues to be” substitute “if B is”.

6. In sections 132(5)(b) and 134(6)(b) (equality of terms: special provision for arrears period in Scottish cases involving fraud, error or incapacity), for “the period of 20 years ending with that day” substitute “the period determined in accordance with section 135(6) and (7)”.

7. In section 135(6) (equality of terms: determination of length of arrears period in Scottish cases involving fraud, error or incapacity)—

- (a) after “section 132(5)(a)” insert “or 134(6)(a)”, and
- (b) for “20 years” substitute—

“5 years; and—

- (a) if, as a result of subsection (7), that period is reckoned as a period of more than 5 years but no more than 20 years, the period for the purposes of section 132(5)(b) or (as the case may be) section 134(6)(b) is that extended period;
- (b) if, as a result of subsection (7), that period is reckoned as a period of more than 20 years, the period for the purposes of section 132(5)(b) or (as the case may be) section 134(6)(b) is a period of 20 years.”.

8. In Part 4 of Schedule 3 (services and public functions: exceptions for immigration), in paragraph 17(5)(d), for “Community law” substitute “EU law”.

9. In Part 9 of that Schedule (services and public functions: exceptions for transport), after paragraph 34 (the cross-heading above which becomes “Transport by land: road”), insert—

“Transport by land: rail

34A. Section 29 does not apply to anything governed by Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.**(a)**”.

10. In Schedule 11 (schools: exceptions for single sex schools turning co-educational) omit subparagraph 4(4).

11. In Schedule 18 (public sector equality duty: exceptions for immigration), in paragraph 2(2)(h), for “Community law” substitute “EU law”.

(a) OJ No. L315, 3.12.2007, p.14.

12. Schedule 1 (which amends Schedule 26 to the Act to include further consequential amendments) has effect.

13. Schedule 2 (which amends Schedule 27 to the Act to include further repeals) has effect.

Amendments of existing provisions about public sector equality duties

14.—(1) Section 76A the Sex Discrimination Act 1975(a) (public authorities: general statutory duty) is amended as follows.

(2) In subsection (1)(a) for “discrimination and harassment” substitute “discrimination, harassment and victimisation”.

(3) For subsection (2)(c) substitute—

“(c) “discrimination” means—

- (i) sex discrimination;
- (ii) gender reassignment discrimination;
- (iii) marriage and civil partnership discrimination;
- (iv) pregnancy and maternity discrimination;
- (v) a breach of an equality clause.”

(4) After subsection (2)(c) insert—

“(d) “harassment” is any act that is harassment for the purposes of the Equality Act 2010 (“the 2010 Act”) but, in the case of harassment within subsection (1) of section 26, only so far as that subsection relates to sex or gender reassignment.

(e) “victimisation” means victimisation where the protected act in question relates to sex, gender reassignment, marriage and civil partnership or pregnancy and maternity.”.

(5) After subsection (2) insert—

“(2A) An expression used in subsection (2) and in the 2010 Act has the same meaning in that subsection as it does in that Act.”.

(6) Despite the repeal of the Sex Discrimination Act 1975 (“the 1975 Act”) by Schedule 27 to the Act, the following provisions of the 1975 Act, so far as they relate to sections 76A to 76C(b) of that Act, continue to have effect—

- (a) section 81(c) (orders),
- (b) in section 82(d) (interpretation) the definitions of “act”, “Commission”, “man” and “woman”, and
- (c) section 85(e) (Crown application).

(a) 1975 c. 65; section 76A was inserted by the Equality Act 2006 (c. 3), section 84(1) and was amended by the Government of Wales 2006 (Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), Schedule 1 paragraphs 2, 7(1) to (3) and by the Transfer of Functions (Equality) Order 2007 (S.I. 2007/2914), Schedule, paragraph 6(c).

(b) Sections 76B and 76C were inserted by the Equality Act 2006 (c. 3), section 85(1) and were amended by S.I. 2007/2914, Schedule, paragraph 6(d) and (e). Section 76B was also amended by S.I. 2007/1388, Schedule 3, paragraphs 1 and 8.

(c) Section 81 was amended by; the Education (Scotland) Act 1980 (c. 44), Schedule 4, paragraph 10; the Sex Discrimination Act 1986 (c. 59), section 9(2) and Schedule, Part I; the Employment Act 1989 (c.38) section 29(4) and Schedule 7, Part II; and the Equality Act 2006 (c. 3), sections 83(3), 84(2) and 85(2), Schedule 3 paragraphs 3 and 17 and Schedule 4 and S.I. 2007/2914, Schedule, paragraphs 6(h) and 8.

(d) In section 82 the definition of “Commission” was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 6 and 18(1)(a)(i).

(e) Section 85 was amended by; the Armed Forces Act 1996 (c. 46), section 21(1), (3), (4) and (5); the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a); the Armed Forces Act 2006 (c. 52), Schedule 16, paragraph 71; S.I. 1994/3276, regulation 2; S.I. 2005/2467, regulation 34 and S.I. 2005/2712, Schedule 2, paragraph 1.

- 15.**—(1) Section 71 of the Race Relations Act 1976(a) is amended as follows.
- (2) In subsection (1)(a) for “racial discrimination” substitute “discrimination and victimisation”.
- (3) In subsection (7) for “other provision of this Act” substitute “provision of the Equality Act 2010 (“the 2010 Act”), so far as relating to race (within the meaning of that Act)”.
- (4) After that subsection insert—
- “(8) In this section—
- (a) “discrimination” means race discrimination within the meaning of section 25 of the 2010 Act;
- (b) “victimisation” means victimisation within the meaning of section 27 of the 2010 Act, where the protected act in question relates to race, and
- (c) “racial group” has the meaning given in section 9 of the 2010 Act.”
- (5) Despite the repeal of the Race Relations Act 1976 (“the 1976 Act”) by Schedule 27 to the Act, the following provisions of the 1976 Act, so far as they relate to sections 71 to 71B(b) of that Act, continue to have effect—
- (a) section 74(c) (orders and regulations),
- (b) section 75(d) (application to Crown), and
- (c) in section 78(e) (interpretation) the definitions of “Commission” and “enactment”.

- 16.**—(1) The Disability Discrimination Act 1995(f) is amended as follows.
- (2) In section 49A(g), subsection (1)(a) for “discrimination that is unlawful under this Act” substitute “unlawful discrimination and victimisation”.
- (3) In subsection (2) for “other provision of this Act” substitute “provision of the Equality Act 2010 (“the 2010 Act”), so far as relating to disability”.
- (4) After that subsection insert —
- “(3) In this section—
- (a) “discrimination” means disability discrimination within the meaning of sections 25(2)(a), (b) and (d) of the 2010 Act;
- (b) “disability” and “disabled person” each have the same meaning as in section 6 of the 2010 Act; and
- (c) “victimisation” means victimisation within the meaning of section 27 of that Act where the protected act in question relates to disability.”

(a) 1976 c.74; section 71 of the Race Relations Act 1976 was substituted by the Race Relations (Amendment) Act 2000 (c. 21) section 2(1) and was amended by S.I. 2007/2914, Schedule, paragraph 10(d).

(b) Sections 71A and 71B were substituted by the Race Relations (Amendment) Act 2000 (c. 21), section 2(1). Section 71A was amended by the Nationality, Immigration and Asylum Act 2002 (c. 41), section 6(5) and Schedule 9. Section 71B was amended by S.I. 2007 1388, Schedule 1, paragraphs 10 and 12 and S.I. 2007/2914, Schedule, paragraph 10(e).

(c) Section 74 was amended by the Race Relations (Remedies) Act 1994 (c. 10), section 2(2); the Armed Forces Act 1996 (c. 46), section 23(5) and the Equality Act 2006 (c. 3), Schedule 3, paragraphs 21 and 32 and Schedule 4.

(d) Section 75 was amended by; the Armed Forces Act 1981 (c. 55), section 28(2) and Schedule 5, Part I; the Armed Forces Act 1996 (c. 46), section 23; the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a); the Race Relations (Amendment) Act 2000 (c. 34), Schedule 2, paragraph 18; the Armed Forces Act 2006 (c. 52), Schedule 16, paragraph 80 and S.I. 2005/2712, Schedule 2, paragraph 2.

(e) In Section 78 the definition of “Commission” was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 6 and 18(1)(a)(i).

(f) 1995 c. 50.

(g) Section 49A was inserted by the Disability Discrimination Act 2005 (c. 13), section 3.

(5) Despite the repeal of the Disability Discrimination Act 1995 (“the 1995 Act”) by Schedule 27 to the Act, the following provisions of the 1995 Act, so far as they relate to sections 49A to 49D(a) of that Act, continue to have effect—

- (a) section 21B(3)(b) (list of public authorities excluded from duty not to discriminate),
- (b) section 64(c) (Crown application),
- (c) section 67(d) (orders and regulations) and
- (d) in section 68 (interpretation) the definitions of “prescribed” and “regulations”.

name

Date

Secretary of State for the Home Department

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- (a) Sections 49B to 49D were inserted by the Disability Discrimination Act 2005 (c. 13), section 3. Section 49B was amended by S.I. 2007/1388, Schedule 1, paragraphs 55 and 57. Section 49C was amended by the Equality Act 2006 (c. 3), section 88 and S.I. 2007/1388, Schedule 1, paragraphs 47 and 58. Section 49D was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 41 and 48 and S.I. 2007/1388, Schedule 1, paragraphs 47 and 59(1) and (2).
 - (b) Section 21B was inserted by the Disability Discrimination Act 2005 (c.13) section 2.
 - (c) Section 64 was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 31; S.I. 2003/1673, regulations 3(1) and 24 and S.I. 2005/2712, Schedule 2, paragraph 3.
 - (d) Section 67 was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 33; the Equality Act 2006 (c.3), Schedule 3 paragraphs 41 and 44 and Schedule 4 and S.I. 2007/1388, Schedule 1, paragraphs 47 and 62.

Amendments to Schedule 26 to the Act

1. In Schedule 26 to the Act (amendments)—
 - (a) paragraphs 1 to 4 (Local Government Act 1988) become paragraphs 9 to 12,
 - (b) paragraph 5 (Employment Act 1989) becomes paragraph 15, and
 - (c) paragraphs 6 to 30 (Equality Act 2006) become paragraphs 61 to 85.
2. Insert before paragraph 9 of Schedule 26 to the Act—

“PART 1

Acts of Parliament

Disabled Persons (Employment) Act 1944

1. In section 15 of the Disabled Persons (Employment) Act 1944(**a**) (provision of employment for seriously disabled persons), in subsection (5A), for “the Disability Discrimination Act 1995” substitute “the Equality Act 2010”.

Teaching Council (Scotland) Act 1965

2. In section 1(3) of the Teaching Council (Scotland) Act 1965(**b**), for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

Employment and Training Act 1973

3. In section 12(1) of the Employment and Training Act 1973(**c**) (duty of Secretary of State to give preference to ex-service men and women when exercising power to select disabled persons for employment, training, etc.), for “has the same meaning as in the Disability Discrimination Act 1995” substitute “has the same meaning as in the Equality Act 2010”.

Estate Agents Act 1979

4. The Estate Agents Act 1979(**d**) is amended as follows.

5. In section 5(3)(**e**) (supplementary provisions about prohibition and warning orders)—

- (a) for “section 62 of the Sex Discrimination Act 1975, section 53 of the Race Relations Act 1976” substitute “section 113 of the Equality Act 2010 (proceedings)”; and
- (b) omit “those Acts and”.

(a) 1944 c. 10; section 15 was amended by the Disability Discrimination Act 1995 (c. 50), Section 61(1) to (5).
 (b) 1965 c. 19; section 1(3) was inserted by the Teaching and Higher Education Act 1998 (c.30), section 16.
 (c) 1973 c. 50; section 12(1) was amended by the Employment Act 1988 (c. 19) Schedule 2, paragraph 2; the Employment Act 1989 (c. 38), Schedule 7, Part 1 and the Disability Discrimination Act 1995 (c. 50), Schedule 6, paragraph 1.
 (d) 1979 c.38.
 (e) Section 5(3) was amended by the Enterprise Act 2002 (c. 40), Schedule 25, paragraph 9(1) and (4) and S.I. 1997/869, Schedule 2, paragraph 2(1).

6.—(1) Schedule 1 (provisions supplementary to section 3(1)) is amended as follows.

(2) For paragraph 2(a) substitute—

“2.—(1) A person commits discrimination for the purposes of section 3(1)(b) in the following cases only.

(2) The first case is where—

- (a) the person has been found to have contravened a relevant equality provision, and
- (b) no appeal against the finding is pending or can be brought.

(3) The second case is where—

- (a) the person has been given an unlawful act notice under section 21 of the Equality Act 2006,
- (b) the notice specifies a relevant equality provision as the provision by virtue of which the act in question is unlawful, and
- (c) no appeal against the giving of the notice is pending or can be brought.

(4) The third case is where—

- (a) the person is the subject of an injunction, interdict or order under section 24 of the Equality Act 2006 (unlawful acts), and
- (b) the unlawful act in question is a contravention of a relevant equality provision.

(5) The relevant equality provisions are—

- (a) Parts 3 and 4 of the Equality Act 2010 (services and premises) so far as relating to discrimination and victimisation, and
- (b) section 112 of that Act (aiding contraventions) in relation to either of those Parts of that Act so far as relating to discrimination and victimisation.”

(3) In paragraph 3 for “discrimination” substitute “a contravention of a relevant equality provision”.

(4) For paragraph 4(b) substitute—

“4. For the purposes of paragraphs 2 and 3 “discrimination” and “victimisation” have the same meaning as in the Equality Act 2010.”.

Civic Government (Scotland) Act 1982

7.—(1) Section 20 of the Civic Government (Scotland) Act 1982(c) (regulations relating to taxis and private hire cars and their drivers) is amended as follows.

(2) In subsection (2A)(d) for “section 1(2) of the Disability Discrimination Act 1995” substitute “section 6 of the Equality Act 2010”.

(3) In subsection (2AA)(e) for “section 1(2) of the Disability Discrimination Act 1995 (c.50)” substitute “section 6 of the Equality Act 2010”.

(a) Schedule 1, paragraph 2 was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 36 and 38 and Schedule 4.
(b) Schedule 1, paragraph 4 was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 36 and 38 and Schedule 4.
(c) 1982 c. 45.
(d) Section 20(2A) was inserted by the Disability Discrimination Act 1995 (c. 50), section 39(3).
(e) Section 20(2AA) was inserted by the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c. 37), section 2.

Housing (Scotland) Act 1987

8. In section 338(1) of the Housing (Scotland) Act 1987(**a**) (interpretation) in the definition of “disabled person” for “Disability Discrimination Act 1995 (c.50),” substitute “Equality Act 2010,”.”.

3. After paragraph 12 of Schedule 26 and the subsequent cross-heading (Employment Act 1989) insert the following—

“**13.** The Employment Act 1989(**b**) is amended as follows.

14. In section 8 (exemption for discrimination in favour of lone parents in connection with training), in subsection (2), for the words from “for the purposes of the 1975 Act” to the end substitute “for the purposes of the Equality Act 2010 as giving rise to any contravention of Part 5 of that Act, so far as relating to marriage and civil partnership discrimination (within the meaning of that Act).”.

4. In paragraph 15(1) of Schedule 26 omit “of the Employment Act 1989”.

5. After paragraph 15 of Schedule 26 insert the following—

“**16.** In section 28(**c**) (orders etc.), omit subsections (2), (3) and (4)(a).

17. In section 29(1)(**d**) (interpretation), omit the definition of “the 1975 Act”.

Local Government and Housing Act 1989

18. In section 7(2) of the Local Government and Housing Act 1989(**e**) (requirement for appointments to be on merit to be subject to discrimination law)—

(a) omit paragraphs (c), (d) and (f), and

(b) at the end insert—

“(g) sections 39, 40 and 49 to 51 of the Equality Act 2010 (employees and office-holders), so far as relating to disability, and Schedule 8 to that Act (reasonable adjustments for disabled persons) so far as it applies in relation to sections 39 and 49 to 51 of that Act;

(h) paragraph 1 of Schedule 9 to that Act (occupational requirements), so far as relating to sex, pregnancy and maternity, marriage and civil partnership, gender reassignment or race.”.

Enterprise and New Towns (Scotland) Act 1990

19. The Enterprise and New Towns (Scotland) Act 1990(**f**) is amended as follows.

20. In section 2(4)(a)(**g**) (functions in relation to training for employment etc.) for “section 3(1) of the Race Relations Act 1976” substitute “section 9 of the Equality Act 2010”.

(a) 1987 c. 26; the definition of “disabled person” in section 338(1) was amended by the Housing (Scotland) Act 2006 (2006 asp 1), Schedule 6.

(b) 1989 c. 38.

(c) Section 28 was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraph 40 and the Education and Inspections Act 2006 (c.40); Schedule 18, Part II. The functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, Schedule 1.

(d) Section 29(1) was amended by the Employment Rights Act 1996 (c. 18), Schedule 3, Part I.

(e) 1989 c.42; section 7(2) was amended by the Disability Discrimination Act 1995 (c. 50), Schedule 6, paragraph 5 and Schedule 7; the Fire and Rescue Services Act 2004 (c. 21), Schedule 2 and by S.I. 2003/1673, regulation 31(1). By virtue of the Environment Act 1995 (c. 25), Schedule 7, paragraph 13(7) the section also applies to any paid office or employment under a National Park authority.

(f) 1990 c. 35.

(g) Section 2(4)(a) was amended by Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(2) and (4)(b).

21. In section 16(2)(a) (courses of training etc.: duty to give preference to certain categories) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

22. For section 17 (encouragement of women, members of minority racial groups and disabled persons to take advantage of opportunities for certain work etc) substitute—

“17 Encouragement of women, members of ethnic minorities and disabled persons to take up certain employment opportunities and training

(1) Scottish Enterprise and Highlands and Islands Enterprise shall each, in exercising its functions, promote such actings by any employer as are lawful by virtue of section 158 of the Equality Act 2010 (the “2010 Act”) (positive action: general) in relation to—

- (a) affording access to facilities for training, and
- (b) encouraging persons to take advantage of opportunities for taking up that employer’s work.

(2) This section applies to the protected characteristics of sex, race and disability within the meaning of the 2010 Act.

(3) This section is without prejudice to paragraph (a) of section 2(4) of this Act or to any provision of the 2010 Act prohibiting discrimination within the meaning of that Act.”.

Further and Higher Education Act 1992

23. In section 62(7B) of the Further and Higher Education Act 1992(b) (higher education funding councils) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

Trade Union and Labour Relations (Consolidation) Act 1992

24.—(1) Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992(c) (tribunal jurisdictions where failure by employer or employee to comply with applicable code of practice may affect the level of damages) is amended as follows.

(2) Omit the entries relating to—

- (a) the Equal Pay Act 1970(d);
- (b) the Sex Discrimination Act 1975;(e)
- (c) the Race Relations Act 1976;(f)
- (d) the Disability Discrimination Act 1995;
- (e) the Employment Equality (Sexual Orientation) Regulations 2003(g);
- (f) the Employment Equality (Religion or Belief) Regulations 2003(h);
- (g) the Employment Equality (Age) Regulations 2006(i).

(3) At the end of the entries relating to provisions of Acts, insert—

“Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”

(a) Section 16(2) was amended by the Disability Discrimination Act 1995 (c. 50), Schedule 6, paragraph 6.
(b) 1992 c. 13; section 62(7B) was inserted by the Disability Discrimination Act 1995 (c. 50), section 30(5).
(c) 1992 c. 52; Schedule A2 was inserted by the Employment Act 2008 (c. 24), section 3(3).
(d) 1970 c. 41.
(e) 1975 c.65.
(f) 1976 c.74.
(g) S.I. 2003/1661.
(h) S.I. 2003/1660.
(i) S.I. 2006/1031.

Trade Union Reform and Employment Rights Act 1993

25. In section 39(2) of the Trade Union Reform and Employment Rights Act 1993(a) (agreements not to take proceedings before employment tribunal) omit “the Sex Discrimination Act 1975, the Race Relations Act 1976, and”.

26. In Schedule 6(b) (compromise contracts) omit paragraphs 1 and 2.

Employment Tribunals Act 1996

27. The Employment Tribunals Act 1996(c) is amended as follows.

28. In section 5(2)(c) (remuneration, fees and allowances) for “2A(1)(b) of the Equal Pay Act 1970” substitute “131(2) of the Equality Act 2010”.

29. In section 7(3)(h)(d) (employment tribunal procedure regulations) for “2A(1)(b) of the Equal Pay Act 1970” substitute “131(2) of the Equality Act 2010”.

30. In section 12(1)(e) (restriction of publicity in disability cases) for “section 17A or 25(8) of the Disability Discrimination Act 1995” substitute “section 120 of the Equality Act 2010, where the complaint relates to disability”.

31. In section 18(1) (tribunal proceedings to which conciliation provisions apply)—

(a) for paragraph (a)(f) substitute—

“(a) under section 120 or 127 of the Equality Act 2010,”, and

(b) omit paragraphs (c), (k), (l) and (r)(g).

32. In section 21(1)(h) (Jurisdiction of appeal tribunal)—

(a) omit paragraphs (a), (b), (c), (e), (l), (m) and (s)(i); and

(b) at the end of the entries relating to provisions in Acts, insert—

“(ge) the Equality Act 2010.”.

Employment Rights Act 1996

33.—(1) Section 126 of the Employment Rights Act 1996(j) (acts which are both unfair dismissal and discrimination) is amended as follows.

(2) In subsection (1) for paragraph (b)(k) substitute—

“(b) the Equality Act 2010.”.

(3) In subsection (2)(l)—

(a) for “any one of those Acts or Regulations” substitute “either of those Acts”, and

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- (a) 2003 c.19; section 39(2) was amended by the Employment Rights Act 1996 (c. 18), Schedule 3, Part I.
- (b) Schedule 6 was amended by the Employment Rights Act 1996 (c. 18), Schedule 3 Part 1 and the Employment Rights (Dispute Resolution) Act (c. 8) 1998, Schedule 2.
- (c) 1996 c. 17.
- (d) Section 7(3)(h) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).
- (e) Section 12(1) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a) and S.I. 2003/1673 regulation 31(2).
- (f) Section 18(1)(a) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).
- (g) Paragraph (c) was amended by S.I. 2003/1673, regulation 31(2). Paragraph (k) was inserted by S.I. 2003/1661, Schedule 5, paragraph 1(a)(ii); paragraph (l) was inserted by S.I. 2003/1660, Schedule 5, paragraph 1(a)(ii) and paragraph (r) was inserted by S.I. 2006/1031, Schedule 8, paragraphs 18 and 19(1) and (3).
- (h) Section 21(1) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).
- (i) Paragraph (l) was inserted by S.I. 2003/1661, Schedule 5 paragraph 1(b)(ii); paragraph (m) by S.I. 2003/1660, Schedule 6, paragraph 1(b)(ii) and paragraph (s) by S.I. 2006/1031, Schedule 8, paragraphs 18 and 20(1) and (3).
- (j) 1996 c. 18.
- (k) Section 126(1)(b) was substituted by S.I. 2006/1031, Schedule 8, paragraphs 21 and 29.
- (l) Subsection (2) was amended by the Employment Rights (Dispute Resolution) Act 1998, sections 1(2)(a) and 14(4) and Schedule 2.

- (b) for “any other of them” substitute “the other”.

Housing Grants, Construction and Regeneration Act 1996

34. In section 126 of the Housing Grants, Construction and Regeneration Act 1996(**a**) (Secretary of State’s power to give financial assistance etc), in subsection (3), in the definition of “racial group”, for “the Race Relations Act 1976” substitute “section 9 of the Equality Act 2010”.

Education Act 1996

35. The Education Act 1996(**b**) is amended as follows.

36.—(1) Section 317 of the Education Act 1996 (duties of governing bodies etc in relation to pupils with special educational needs) is amended as follows.

(2) In subsection (6)(b)(iv)(**c**) for “section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”)” substitute “paragraph 3 of Schedule 10 to the Equality Act 2010 (“the 2010 Act”)”.

(3) For subsection (6A) substitute—

“(6A) In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.”.

37. In section 336(4A)(**d**) (tribunal procedure) for “claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995” substitute “claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability.”.

38. In section 509AC(5)(**e**)(interpretation etc), in the definition of “disabled person”, for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

39. Omit section 583(5) (commencement etc: transitory provision relating to the Disability Discrimination Act 1995).

40. In Schedule 35B(**f**) (meaning of eligible child etc), paragraph 15(4), for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

41. In Schedule 35C(**g**) (school travel schemes), paragraph 14, in the definition of “disabled child”, for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

42.—(1) In Schedule 36A(**h**) (education functions of local authorities) the table is amended as follows.

(2) Omit the entries relating to the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.

(3) Insert at the end—

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- (a) 1996 c. 53; the functions of the Secretary of State, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) Schedule 1.
- (b) 1996 c. 56
- (c) Section 317(6) (along with subsections (5) and (6A)) were substituted by the Education Act 2005 (c. 18), Schedule 18, paragraph 2.
- (d) Subsection 336(4A) was inserted by the Special Educational Needs Tribunal Act 2001 (c. 10), Schedule 8, paragraphs 1, 13(1) and (5). It was amended by S.I. 2008/2833, Schedule 3 paragraphs 127 and 133.
- (e) Section 509AC was inserted by the Education Act 2002 (c. 32) Schedule 19 paragraphs 1 and 5.
- (f) Schedule 35A was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 8.
- (g) Schedule 35C was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 9.
- (h) Schedule 36A was inserted by S.I. 2010/1158.

“Equality Act 2010 (c. 15) Section 29(7) in its application to a local authority’s functions under the Education Acts Section 85(6) Section 92(6) Section 93(6) paragraph 1 of Schedule 10 paragraph 3 of Schedule 10	Duty to make reasonable adjustments for disabled persons. Duty (as responsible body) to make reasonable adjustments for disabled pupils. Duty (as responsible body) to make reasonable adjustments for disabled persons in further and higher education. Duty (as responsible body) to make reasonable adjustments for disabled persons in the provision of recreational or training facilities. Duty to prepare and implement accessibility strategy. Duty (as responsible body) to prepare and implement an accessibility plan.”
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Teaching and Higher Education Act 1998

43. In section 1(4) of the Teaching and Higher Education Act 1998(a) (the General Teaching Council for England) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

School Standards and Framework Act 1998

44. The School Standards and Framework Act 1998(b) is amended as follows.

45. In Schedule 5, in paragraph 6(c) (adjudicators, procedure) for subparagraphs (a) to (c) substitute—

- “(a) section 71 of the Race Relations Act 1976, or
- (b) Parts 3 and 6 of the Equality Act 2010,”.

46.—(1) In Schedule 6, Part 5 (procedures for making transitional exemption orders in Wales) paragraph 22(4)(d) is amended as follows.

(2) For the definition of “the 1975 Act” substitute—

““the 2010 Act” means the Equality Act 2010,”.

(3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “section 85 of the 2010 Act”.

(4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

(5) For “section 27(1) of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

(a) 1998 c.30; functions of the Secretary of State under Part 1 of this Act, so far as exercisable in Wales were transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), Schedule 1.

(b) 1998 c. 31.

(c) Paragraph 6 of Schedule 5 was amended by the Race Relations (Amendment) Act 2000 (c. 34), Schedule 2, paragraph 31 and by the Special Educational Needs and Disability Act 2001 (c. 10), Schedule 8, paragraph 23(1) and (3) and Schedule 9.

(d) Paragraph 22(4) of Schedule 6, was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 3, paragraph 33(1) and (18)(c).

47.—(1) In Schedule 7, in Part 6 (transitional exemption orders, interpretation) paragraph 16(6)(a) is amended as follows.

(2) For the definition of the 1975 Act substitute—

“the 2010 Act” means the Equality Act 2010,”

(3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “section 85 of the 2010 Act”.

(4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

(5) For “section 27(1) of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

Transport Act 2000

48. In section 112(2) of the Transport Act 2000(b) (plans and strategies: supplementary) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

Employment Act 2002

49.—(1) Schedule 5 to the Employment Act 2002(c) (tribunal jurisdiction) is amended as follows.

(2) Omit the entries relating to—

- (a) the Equal Pay Act 1970(d);
- (b) the Sex Discrimination Act 1975(e);
- (c) the Race Relations Act 1976(f);
- (d) the Disability Discrimination Act 1995(g);
- (e) the Employment Equality (Sexual Orientation) Regulations 2003(h);
- (f) the Employment Equality (Religion or Belief) Regulations 2003(i);
- (g) the Employment Equality (Age) Regulations 2006(j).

(3) At the end of the entries relating to provisions of Acts, insert—

“Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”.

Income Tax (Earnings and Pensions) Act 2003

50. The Income Tax (Earnings and Pensions) Act 2003(k) is amended as follows.

51. In section 439(4)(l) (chargeable events) after “within the meaning of” insert “the Equality Act 2010 in England and Wales and Scotland, or”.

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- (a) Paragraph 16 of Schedule 7 was repealed by the Education Act 2005 (c. 18), Schedule 12, paragraph 14(1) and (14) and Schedule 19, Part 2. The repeal has not yet been brought into force in respect of subparagraph 16(6) as the definitions in that sub-paragraph, apply for the purposes of paragraph 17 of Schedule 7.
 - (b) 2000 c. 38; section 112(2) was amended by the Local Transport Act 2008 (c. 26) sections 10(1), (3) and (5), 11 (1) and (2) and Schedule 7 Part 1.
 - (c) 2002 c. 22.
 - (d) 1970 c. 41.
 - (e) 1975 c. 65.
 - (f) 1976 c. 74.
 - (g) Reference to this Act amended by S.I. 2003/1673.
 - (h) Reference to these Regulations inserted by S.I. 2003/1661, Schedule 5, paragraph 4(c).
 - (i) Reference to these Regulations inserted by S.I. 2003/1660, Schedule 5, paragraph 4(c).
 - (j) References to these Regulations inserted by S.I. 2006/1031, Schedule 8, paragraph 36(1) and (2)(c).
 - (k) 2003 c. 1.
 - (l) Section 439 was substituted by the Finance Act 2003(c.14), Schedule 22, paragraphs 1 and 4(1).

52. In section 477(5)(a) (chargeable events) after “within the meaning of” insert “the Equality Act 2010 in England and Wales and Scotland, or”.

Communications Act 2003

53. The Communications Act 2003(b) is amended as follows.

54. In section 27(5) (training and equality of opportunity)—

- (a) in the definition of “disabled” after “meaning as in” insert “the Equality Act 2010 or, in Northern Ireland,”, and
- (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “Equality Act 2010”.

55. In section 337(9) (promotion of equal opportunities and training)—

- (a) in the definition of “disabled” after “meaning as in” insert “the Equality Act 2010 or, in Northern Ireland,”, and
- (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “Equality Act 2010”.

56. In Schedule 12, in paragraph 23(6) (obligations of the Welsh Authority in relation to equality of opportunity)—

- (a) in the definition of “disability” after “meaning as in” insert “the Equality Act 2010 or, in Northern Ireland,”, and
- (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “the Equality Act 2010”.

Finance Act 2004

57. The Finance Act 2004(c) is amended as follows.

58. In section 172A(5)(db)(d) (surrender of pension benefits etc) for—

- (a) “the Employment Equality (Age) Regulations 2006 or” substitute “Part 5 of the Equality Act 2010, so far as relating to age, or the”, and
- (b) for “them” substitute “those Regulations.”.

59. In paragraphs 11D(2A) and (2B)(b), 12(2C)(d) and 14(3A) and (3D)(a)(e) of Schedule 36 (pension schemes etc: transitional provisions and savings)—

- (a) for “the Employment Equality (Age) Regulations 2006, or” substitute “Part 5 of the Equality Act 2010, so far as relating to age, or the”, and
- (b) for “them” substitute “those Regulations.”.

Serious Organised Crime and Police Act 2005

60. Section 56 of the Serious Organised Crime and Police Act 2005(f) (the title to which becomes “Application of discrimination legislation to SOCA seconded staff: Northern Ireland”) is amended as follows—

- (a) in subsection (2), omit paragraphs (a) and (b); and

(a) Section 477 was substituted by the Finance Act 2003, Schedule 22 paragraphs 1 and 10(1).
(b) 2003 c. 21.
(c) 2004 c. 12.
(d) Section 172A(5)(db) was inserted by the Finance Act 2007 (c.11) Schedule 20, paragraphs 1 and 6(1) and (2).
(e) Paragraphs 11(2A) to (2C), 12(2A) to (2C) and 14(3A) to (3D) were inserted by the Finance Act 2006 (c. 25), Schedule 20, paragraphs 1 and 15, 16, 17(1) and (3) and 18.
(f) 2005 c.15; section 56 was amended by the Equality Act 2006 (c. 3), section 75(5) and S.I. 2007/1263, regulation 31(5).

- (b) in subsection (4), omit paragraphs (a), (b), (g) and (h) and the “and” preceding each of paragraphs (g) and (h).”.

6. Insert after paragraph 85 of Schedule 26—

“Immigration, Asylum and Nationality Act 2006

86. In section 23(1)(a) of the Immigration Asylum and Nationality Act 2006(**a**) (discrimination: code of practice) for “the Race Relations Act 1976 (c. 74)” substitute “the Equality Act 2010, so far as relating to race”.

Childcare Act 2006

87. The Childcare Act 2006(**b**) is amended as follows.

88. In section 6(6) (duty to secure sufficient childcare for working parents) in the definition of “disabled child” for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

89. In section 12(8) (duty to provide information, advice and assistance) for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

90. In section 22(6) (duty to secure sufficient childcare for working parents (Wales)) in the definition of “disabled child” for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

91. In section 27(8) (duty to provide information, advice and assistance (Wales)) for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

Education and Inspections Act 2006

92. The Education and Inspections Act 2006(**c**) is amended as follows.

93. In section 21(5) (proposals under section 19: procedure) for “section 27 of the Sex Discrimination Act 1975 (c. 65) (exception for single-sex establishments turning co-educational)” substitute “paragraphs 3 and 4 of Schedule 11 to the Equality Act 2010 (single-sex schools turning co-educational)”.

94. In section 91(7) (enforcement of disciplinary penalties) for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

Finance Act 2007

95. In paragraph 7(7) of Schedule 18 to the Finance Act 2007(**d**) (pension schemes: abolition of relief for life insurance premium contributions etc)—

- (a) for “Employment Equality (Age) Regulations 2006 (SI 2006/1031)” substitute “Equality Act 2010, so far as relating to age,”, and
- (b) for “them” substitute “those Regulations”.

(a) 2006 c. 13.
(b) 2006 c. 21.
(c) 2006 c. 40.
(d) 2007 c. 11.

UK Borders Act 2007

96. In section 48(2)(f) of the UK Borders Act 2007(**a**) (recommendations by Chief Inspector of UK Border Agency) for “section 19D of the Race Relations Act 1976 (c.74)” substitute “paragraph 17 of Schedule 3 to the Equality Act 2010”.

Regulatory Enforcement and Sanctions Act 2008

97. The Regulatory Enforcement and Sanctions Act 2008(**b**) is amended as follows.

98. Insert after section 38(2) (meaning of “relevant offence”)—

“(3) The entry in Schedule 6 for Part 5 of the Disability Discrimination Act 1995 is, in relation to England and Wales and Scotland, to be read as a reference to Part 12 of the Equality Act 2010.”

99. In Schedule 3 (enactments specified for the purposes of the Part relating to LBRO) omit “Disability Discrimination Act 1995 (c. 50)”.

Apprenticeships, Skills, Children and Learning Act 2009

100. In section 218(3)(b) of the Apprenticeships, Skills, Children and Learning Act 2009(**c**) (arrangements etc to be made by Commission) for “section 1(1) of the Disability Discrimination Act 1995 (c.50)” substitute “section 6 of the Equality Act 2010”.

PART 2

Acts of the Scottish Parliament

Education (Disability Strategies and Pupils’ Educational Records)(Scotland) Act 2002

101. In section 6 of the Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002(**d**) (interpretation) in the definition of “pupil with a disability” for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

Freedom of Information (Scotland) Act 2002

102. The Freedom of Information (Scotland) Act 2002(**e**) is amended as follows.

103. In section 11(5) (means of providing information) for “provider of services has under or by virtue of section 21 of the Disability Discrimination Act 1995 (c. 50)” substitute “person has under or by virtue of section 29 of the Equality Act 2010 (provision of services etc)”.

104. In section 12(6) (excessive cost of compliance) for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

Dog Fouling (Scotland) Act 2003

105. In section 16 of the Dog Fouling (Scotland) Act 2003(**f**) (interpretation) in the definition of “disabled person” for “section 1 of the Disability Discrimination Act 1995 (c.50)” substitute “section 6 of the Equality Act 2010”.

(a) 2007 c. 30; section 48 was amended by the Borders, Citizenship and Immigration Act 2009 (c. 11), section 28.
(b) 2008 c. 13.
(c) 2009 c. 22.
(d) 2002 asp 12.
(e) 2002 asp 13.
(f) 2003 asp 12.

Education (Additional Support for Learning) (Scotland) Act 2004

106. Paragraph 3(1)(e) of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004^(a) (exclusion to duty to comply with placing requests) is amended as follows—

- (a) for “section 26 of the Sex Discrimination Act 1975 (c.65)” substitute “paragraph 1(2) of Part 1 of Schedule 11 to the Equality Act 2010”, and
- (b) for “section”, where it occurs for the second time, substitute, “paragraph”.

Education (Additional Support for Learning) (Scotland) Act 2009

107. In section 9 of the Education (Additional Support for Learning) (Scotland) Act 2009^(b) (functions of education authority in relation to certain pre-school children etc), in the amendment to section 5(3)(c) of the Education (Additional Support for Learning) (Scotland) Act 2004, for “Disability Discrimination Act 1995 (c.50)” substitute “Equality Act 2010”.

(a) 2004 asp 4.
(b) 2009 asp 7.

SCHEDULE 2

Article 15

Amendments to Schedule 27 to the Act

In Schedule 27 to the Act (repeals and revocations) for the table in Part 1 (repeals) substitute the following table.

<i>“Short title</i>	<i>Extent of Repeal</i>
The Sex Disqualification Removal Act 1919 (a)	The whole Act.
Equal Pay Act 1970	The whole Act.
Sex Discrimination Act 1975	The whole Act.
Race Relations Act 1976	The whole Act.
Estate Agents Act 1979 (b)	In section 5(3) “those Acts and”.
Further Education Act 1985 (c)	Section 4.
Sex Discrimination Act 1986 (d)	The whole Act.
Local Government Act 1988 (e)	Section 17(9). Section 18. Section 19(10).
Employment Act 1989 (f)	Sections 1 to 7. Section 9. Section 28(2), (3) and (4)(a). In section 29(1) the definition of “the 1975 Act”.

(a) 1919 c. 71.

(b) 1979 c. 38.

(c) 1985 c. 47.

(d) 1986 c. 59.

(e) 1988 c. 9; sections 18(1) and (2) were amended by the Race Relations (Amendment) Act 2000 (c. 34), section 9(1), Schedule 2, paragraphs 20(a) and (b) and 21(a) and (b) respectively.

(f) 1989 c. 38; section 1(3) was amended by S.I. 2001/2660, regulation 9(a). In section 5(6) paragraph (ba) was inserted, and paragraph (c) was substituted, by the Further and Higher Education Act 1992 (c. 13), section 93, Schedule 8, Part II, paragraph 93.

<i>“Short title</i>	<i>Extent of Repeal</i>
Local Government and Housing Act 1989 (a)	Section 7(2)(c),(d) and (f).
Social Security Act 1989 (b)	In Schedule 5— <ul style="list-style-type: none"> (a) in paragraph 2(4) from “; but where” to the end, and (b) paragraph 5.
Enterprise and New Towns (Scotland) Act 1990 (c)	Section 18.
Contracts (Applicable Law) Act 1990 (d)	In Schedule 4 in paragraph 1 “Section 1(11) of the Equal Pay Act 1970 and” and the cross-heading referring to the Equal Pay Act 1970.
Further and Higher Education Act 1992 (e)	In Schedule 8, paragraphs 75 to 88.
Trade Union and Labour Relations (Consolidation) Act 1992 (f)	In Schedule A2 the entries for— <ul style="list-style-type: none"> (a) the Equal Pay Act 1970; (b) the Sex Discrimination Act 1975; (c) the Race Relations Act 1976; (d) the Disability Discrimination Act 1995; (e) the Employment Equality (Sexual Orientation) Regulations 2003(g); (f) the Employment Equality (Religion or Belief) Regulations 2003(h);

(a) 1989 c. 42.

(b) 1989 c. 24; paragraph 5(2) of Schedule 5 was amended by the Social Security Act 1990 (c. 27), section 21(1), Schedule 6, paragraph 29.

(c) 1990 c. 35.

(d) 1990 c. 36.

(e) 1992 c. 13; paragraphs 79 and 88 of Schedule 8 were amended by the Education Act 1996 (c. 56), section 582(1), Schedule 37, paragraph 117(4).

(f) 1992: c. 52.

(g) S.I. 2003/1661; there are amendments to these Regulations which are not relevant to this Order.

(h) S.I. 2003/1660; there are amendments to these Regulations which are not relevant to this Order.

<i>“Short title</i>	<i>Extent of Repeal</i>
	(g) the Employment Equality (Age) Regulations 2006(a). In Schedule 2, paragraph 3(1) to (3) and the preceding cross-heading.
Trade Union Reform and Employment Rights Act 1993	In section 39(2) “the Sex Discrimination Act 1975, the Race Relations Act 1976, and”. In Schedule 6, paragraphs 1 and 2. In Schedule 7, paragraph 8.
Race Relations (Remedies) Act 1994(b)	The whole Act.
Disability Discrimination Act 1995(c)	The whole Act.
Pensions Act 1995(d)	Sections 62 to 66.
Employment Tribunals Act 1996(e)	Section 18(1)(c), (k), (l) and (r). Section 21(1)(a), (b), (c), (e), (l), (m) and (s). In Schedule 2, paragraph 7.
Employment Rights Act 1996(f)	In Schedule 1, paragraph 1 and the preceding cross-heading.
Armed Forces Act 1996(g)	Sections 21, 23 and 24.

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- (a) S.I. 2006/1031; regulation 36 of these Regulations was amended by S.I. 2006/2408. There are other amendments to these regulations that are not relevant to this Order.
- (b) 1994 c. 10.
- (c) 1995 c. 50.
- (d) 1995 c. 26; section 63(2) was amended by S.I. 2005/2053, article 2, Schedule, Part 4, paragraph 22.
- (e) 1996 c. 17.
- (f) 1996 c. 18.
- (g) 1996 c. 46; sections 21, 23 and 24 were amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(b).

<i>“Short title</i>	<i>Extent of Repeal</i>
Education Act 1996 (a)	In Schedule 36A, in the table, the entries for the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995. In Schedule 37, paragraphs 31, 32, 34 to 36, 37(b), 39, 40 and 43.
Employment Rights (Dispute Resolution) Act 1998 (b)	Section 8(1), (2) and (4). Section 9(2)(a), (b) and (d). Section 10(2)(a), (b) and (d). In Schedule 1, paragraphs 2, 3 and 11.
School Standards and Framework Act 1998 (c)	In Schedule 30, paragraphs 5, 6 and 7.
Greater London Authority Act 1999 (d)	Section 404.
Learning and Skills Act 2000 (e)	Section 150(4)(d) and the “or” immediately preceding it. In Schedule 9, paragraphs 5, 6, 7 and 9 and the preceding cross-heading.
Race Relations (Amendment) Act 2000 (f)	Section 1. Sections 3 to 10. Schedule 2, except for paragraphs 17 and 31. Schedule 3.

(a) 1996 c. 56.

(b) 1998 c. 8.

(c) 1998 c. 31.

(d) 1999 c. 29; section 404(1) was amended by the Greater London Authority Act 2007 (c. 24), sections 11(1), (5)(a), (5)(b) and (5)(c), 57 and Schedule 2.

(e) 2000 c. 21.

(f) 2000 c. 34.

<i>“Short title</i>	<i>Extent of Repeal</i>
Standards In Scotland’s Schools etc. Act 2000 (a)	In schedule 2, paragraph 2.
Special Educational Needs and Disability Act 2001 (b)	Sections 11 to 33. Section 34(4), (5), (6) and (7). Sections 38 to 40. Schedules 2 to 6.
Sex Discrimination Act (Election Candidates) Act 2002 (c)	Section 1.
Employment Act 2002 (d)	Section 42 and the preceding cross-heading. In Schedule 5, the entries for— (a) the Equal Pay Act 1970; (b) the Sex Discrimination Act 1975; (c) the Race Relations Act 1976; (d) the Disability Discrimination Act 1995; (e) the Employment Equality (Sexual Orientation) Regulations 2003 (e) ; (f) the Employment Equality (Religion or Belief) Regulations 2003 (f) ; (g) the Employment Equality (Age) Regulations 2006 (g) .

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- (a) 2000 asp 6.
(b) 2001 c. 10.
(c) 2002 c. 2.
(d) 2002 c. 22; Schedule.5 was amended by S.I. 2003/1673, regulations 3(2) and 31(3); SI 2003/1661, regulation 39 and Schedule 5, paragraph 4(c); S.I. 2003/1660, regulation 39(2), Schedule 5, paragraph 4(c).
(e) S.I. 2003/1661; there are amendments to these Regulations which are not relevant to this Order.
(f) S.I. 2003/1660; there are amendments to these Regulations which are not relevant to this Order.
(g) S.I. 2006/1031; regulation 36 of these Regulations was amended by S.I. 2006/2408. There are other amendments to these regulations that are not relevant to this Order.

<i>“Short title</i>	<i>Extent of Repeal</i>
Education Act 2002 (a)	In Schedule 7, paragraph 5 and the preceding cross-heading. In Schedule 18, paragraphs 7 to 12. In Schedule 21, paragraphs 3 and 26 to 29 and the cross-headings preceding paragraphs 3 and 26.
Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002 (b)	Sections 1 and 3 to 5.
Nationality, Immigration and Asylum Act 2002 (c)	In Schedule 7, paragraphs 11, 12 and 14 and the preceding cross-heading.
Gender Recognition Act 2004 (d)	Section 19. In Schedule 6, Part 1.
Civil Partnership Act 2004 (e)	Section 6(1)(b) and (2).
Higher Education Act 2004 (f)	Section 19.
Education (Additional Support for Learning) (Scotland) Act 2004 (g)	In section 17(1) “to exercise the functions which are conferred on a Tribunal by virtue of this Act”.
Disability Discrimination Act 2005 (h)	The whole Act except for— (a) section 3 (b) section 9 (c) Schedule 1 paragraphs 31, 33, 34(1) and (6) and Part 2

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- (a) 2002 c. 32.
(b) 2002 c. 37.
(c) 2002 c. 41.
(d) 2004 c. 7.
(e) 2004 c. 33.
(f) 2004 c. 8.
(g) 2004 asp 4.
(h) 2005 c. 13.

<i>“Short title</i>	<i>Extent of Repeal</i>
Serious Organised Crime and Police Act 2005 (a)	Section 56(2)(a) and (b) and (4)(a), (b), (g) and (h) and the “and” preceding each of paragraphs (g) and (h).
Education Act 2005 (b)	In Schedule 9, paragraph 8 and the preceding cross-heading. In Schedule 14, paragraphs 5 and 7. In Schedule 15, paragraph 6.
Charities and Trustee Investment (Scotland) Act 2005 (c)	In schedule 4, paragraph 3.
Equality Act 2006 (d)	Section 25 (e) . Section 26. Section 33 (f) . Section 43. Part 2. Section 81 (g) Part 4. In Section 94(3) “and 41 to 56” and “and the Disability Discrimination Act 1995(c.50)”. In Schedule 3, paragraphs 6 to 35 and paragraphs 40 to 56.

(a) 2005 c. 15; section 56(4)(h) was amended by SI 2007/1263, regulation 31(5).

(b) 2005 c. 18.

(c) 2005 asp 10.

(d) 2006 c. 3.

(e) Section 25 was amended by S.I. 2006/1721, regulations 4(1), 22 and by S.I. 2007/1263, regulation 32.

(f) Section 33 was amended by S.I. 2006/1031, regulation 49(1), Schedule 8, Part 1, paragraphs 37, 40(1), (2), (3) and by S.I. 2007/2914, article 8, Schedule, paragraph 16(i).

(g) Section 81 was amended by S.I. 2007/2914, article 1(2) and article 8, Schedule, paragraph 16(n).

<i>“Short title</i>	<i>Extent of Repeal</i>
Education and Inspections Act 2006 (a)	In Schedule 1, paragraph 1 and the preceding cross-heading. In Schedule 3, paragraph 3 and the preceding cross-heading.
Legal Services Act 2007 (b)	In Schedule 21, paragraphs 32, 36 to 38 and 118 and the cross-headings preceding paragraphs 32 and 118.
Greater London Authority Act 2007 (c)	Section 11(5).
Regulatory Enforcement and Sanctions Act 2008 (d)	In Schedule 3, “Disability Discrimination Act 1995 (c.50)”. In Schedule 6, “Disability Discrimination Act 1995 (c.50)”.
Education and Skills Act 2008 (e)	In Schedule 1, paragraphs 1 to 4 and the cross-heading preceding paragraph 1.
Local Transport Act 2008 (f)	Section 55. Section 56.
Apprenticeships, Skills, Children and Learning Act 2009 (g)	Section 221(3).”

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- (a)** 2006 c. 40.
 - (b)** 2007 c. 29.
 - (c)** 2007 c. 24.
 - (d)** 2008 c. 13.
 - (e)** 2008 c. 25.
 - (f)** 2008 c. 26.
 - (g)** 2009 c. 22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Equality Act 2010 (c.15) (“the 2010 Act”). It also amends section 76A of the Sex Discrimination Act 1975 (c. 65) (“the 1975 Act”), section 71 of the Race Relations Act 1976 (c.74) (“the 1976 Act”) and section 49D of the Disability Discrimination Act 1995 (c.50) (“the 1995 Act”) and makes a number of savings to those Acts.

The Equality Act 2010 (Commencement Order No 1) 2010 S.I. 2010/1736 (C.91) brought into force a number of provisions of the 2010 Act for the purpose of making subordinate legislation, Codes of Practice and guidance. The core provisions of that Act will be commenced in a further, separate, Commencement Order. This Order will come into force on the same day as those core provisions.

The amendments in this Order are consequential on and, in a small number of cases, supplemental to, the commencement of the provisions brought into force by the second Commencement Order. Articles 2 to 14 contain minor amendments to the 2010 Act and are supplemental to the commencement of the sections they amend. Articles 3, 6 and 7 amend sections 87, 132, 134 and 136 to correct inadvertent omissions to ensure that those provisions of the 2010 Act work effectively in Scotland as well as England and Wales. Article 4 amends section 94 of the 2010 Act to provide a definition relating to the conferring of qualifications. Article 5 amends section 108(4) to clarify an ambiguity. Articles 8 and 11 change references to “Community law” in the 2010 Act to “EU law” to reflect the coming into force of the Treaty of Lisbon, amending the Treaty Establishing the European Union and the Treaty Establishing the European Community (European Communities No.13 (2007), Cm 7294). Articles 9 and 10 amend the 2010 Act to reflect recent changes made by other legislation; the Apprenticeships, Learning, Skills and Children Act 2009 (c. 22) and the Rail Passengers’ Rights and Responsibilities Order 2010 (S.I. No 2010/1504).

Articles 14 to 16 amend the sections of the 1975 Act, the 1976 Act and the 1995 Act that provide for the public sector equality duty, so that these sections refer to the key concepts of the 2010 Act. These are transitional provisions which are required until the public sector duty provisions of the 2010 Act are commenced. A number of savings are also made.

Schedule 1 amends Schedule 26 to the Act which contains consequential amendments to other legislation by adding further amendments to other Acts. Schedule 2 amends Schedule 27 to the Act by substituting the table of repeals in Schedule 27 with a table that contains additional repeals.

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Draft Order laid before Parliament under section 208(2) and (8) of the Equality Act 2010, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

EQUALITY

**The Equality Act 2010 (Consequential Amendments, Saving and
Supplementary Provisions) Order 2010**

£5.75