

RACE RELATIONS (AMENDMENT) ACT 2000

EXPLANATORY NOTES

COMMENTARY

Section 2: Specified Authorities: General Statutory Duty

Section 71

28. **Section 71(1)** imposes a **general duty** on public authorities. It places specified public authorities (listed in Schedule 1A) under a duty to have, when carrying out their functions, due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.
29. **Section 71(2)** allows the Secretary of State to make an order imposing **specific duties** on public authorities to ensure the better performance by them of the general duty.
30. **Section 71(3)** allows an order under subsection 71(2) to be made in relation to some public authorities but not to others, to impose **different requirements** on different public authorities or categories of public authority. The purpose of this is to allow for proportionality and flexibility. For example, it may be inappropriate to require the same of small public authorities as of a major department of state or local authority.
31. **Section 71(4)** requires the Secretary of State to consult the CRE before making orders under section 71(2).
32. **Section 71(5)** allows the Secretary of State to **amend**, by order, **Schedule 1A**. This enables him to amend the list of bodies in Schedule 1A that are subject to the general duty. He can, in particular, do this by removing bodies from or adding bodies to the list, or by altering existing entries in the list.
33. **Section 71(6)** enables the Secretary of State, when making an order under section 71(2) or (5), also to make incidental, supplemental or consequential provision, including amendment of other enactments. The purpose of this, in relation to the section 71(1) power, is to enable the removal of **overlapping statutory duties** which may already apply to bodies subject to the duty to promote race equality when specific duties are imposed upon those bodies by an order under section 71(2).