



Immigration, Asylum and Nationality Act 2006

2006 CHAPTER 13

Employment

23 Discrimination: code of practice

- (1) The Secretary of State shall issue a code of practice specifying what an employer should or should not do in order to ensure that, while avoiding liability to a penalty under section 15 and while avoiding the commission of an offence under section 21, he also avoids contravening—
 - (a) [F¹the Equality Act 2010, so far as relating to race], or
 - (b) the Race Relations (Northern Ireland) Order 1997 (S.I. 869 (N.I. 6)).
- (2) Before issuing the code the Secretary of State shall—
 - (a) consult—
 - (i) the Commission for Equality and Human Rights,
 - (ii) the Equality Commission for Northern Ireland,
 - (iii) such bodies representing employers as he thinks appropriate, and
 - (iv) such bodies representing workers as he thinks appropriate,
 - (b) publish a draft code (after that consultation),
 - (c) consider any representations made about the published draft, and
 - (d) lay a draft code before Parliament (after considering representations under paragraph (c) and with or without modifications to reflect the representations).
- (3) The code shall come into force in accordance with provision made by order of the Secretary of State; and an order—
 - (a) may include transitional provision,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A breach of the code—

Status: Point in time view as at 01/10/2010.

Changes to legislation: Immigration, Asylum and Nationality Act 2006, Section 23 is up to date with all changes known to be in force on or before 05 September 2023. 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)

- (a) shall not make a person liable to civil or criminal proceedings, but
 - (b) may be taken into account by a court or tribunal.
- (5) The Secretary of State shall from time to time review the code and may revise and re-issue it following a review; and a reference in this section to the code includes a reference to the code as revised.
- (6) Until the dissolution of the Commission for Racial Equality, the reference in subsection (2)(a)(i) to the Commission for Equality and Human Rights shall be treated as a reference to the Commission for Racial Equality.

Textual Amendments

- F1** Words in s. 23(1)(a) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 86 (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 6**) (see S.I. 2010/2317, art. 2)

Commencement Information

- I1** S. 23 in force at 31.8.2006 by [S.I. 2006/2226](#), art. 3, **Sch. 1**

Status:

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