

*These notes refer to the Equality Act 2006 (c.3)
which received Royal Assent on 16 February 2006*

EQUALITY ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: The Commission for Equality and Human Rights

Section 25: Application to restrain unlawful advertising, pressure, &c.

87. *Section 25* sets out the CEHR's powers to bring legal proceedings (in its own name) in respect of the relevant provisions in the SDA, RRA, DDA and this Act that prohibit unlawful advertising, instructions and pressure to discriminate in respect of race, sex, disability and religion or belief.
88. *Subsection (2)* provides that the CEHR alone is entitled to bring proceedings in respect of these provisions of the equality legislation set out in *subsection (1)*.
89. *Undersubsection (3)* the CEHR can apply to an employment tribunal or county court (or to a sheriff in Scotland) for a finding that an act of unlawful advertising, pressure or instructions to discriminate has taken place.
90. *Subsection (4)* provides for a court or tribunal to which a complaint has been made by the CEHR to determine whether the allegation is correct.
91. *Subsection (5)* gives the CEHR the power to apply to a county court for an injunction and under *subsection (6)* to a sheriff in Scotland for an interdict, where it considers that, unless restrained, the person concerned may commit further acts of unlawful advertising or instructions or pressure to discriminate. The CEHR may apply for such an injunction in one of two circumstances: either where a court or tribunal has determined that such an act has been committed or where the CEHR believes that such an act has been committed.
92. *Subsection (7)* provides that the CEHR's enforcement powers in this section do not apply to the criminal offences in the SDA, RRA, DDA or this Act of making false or misleading statements about whether an advertisement is unlawful.