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## SCHEDULES

### SCHEDULE 1

#### THE COMMISSION: CONSTITUTION, &C.

##### PART 2

##### PROCEEDINGS

###### *Procedure*

- 5           The Commission may regulate its own proceedings (subject to this Schedule).
- 6           (1) The Commission shall determine a quorum for its meetings.
- (2) At least five Commissioners must participate in the process by which a determination under sub-paragraph (1) is made.

###### *Staff*

- 7           (1) The Commission—
- (a) shall appoint a chief executive, and
- (b) may appoint other staff.
- (2) A person may be appointed under sub-paragraph (1)(a) only with the consent of the Secretary of State.
- (3) An appointment may be made under sub-paragraph (1)(b) only if consistent with arrangements determined by the Commission and approved by the Secretary of State as to—
- (a) numbers, and
- (b) terms and conditions of appointment.
- 8           At the end of section 3(2) of the Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) (exempt employers) add—
- “; and
- (c) the Commission for Equality and Human Rights.”

###### *Investigating Commissioners*

- 9           (1) The Commission may appoint one or more Investigating Commissioners.
- (2) An Investigating Commissioner may be appointed only—

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- (a) for the purpose of having delegated to him by the Commission the function of taking action of a kind listed in sub-paragraph (3), and
  - (b) with the consent of the Secretary of State.
- (3) The kinds of action referred to in sub-paragraph (2)(a) are—
- (a) carrying out an inquiry under section 16,
  - (b) carrying out an investigation under section 20,
  - (c) giving an unlawful act notice under section 21, and
  - (d) entering into an agreement under section 23.
- (4) An Investigating Commissioner is not a Commissioner; but paragraphs 3(1), (4) and (5) and 33 apply to him as if he were (and with the substitution of references to the Commission for references to the Secretary of State).

**Modifications etc. (not altering text)**

- C1** [Sch. 1 para. 9\(3\)\(b\)](#) modified (1.10.2007) by [The Equality Act 2006 \(Dissolution of Commissions and Consequential and Transitional Provisions\) Order 2007 \(S.I. 2007/2602\)](#), [art. 5\(2\)](#)

*Delegation*

- 10 (1) The Commission may delegate a function—
- (a) to a Commissioner,
  - (b) to staff, or
  - (c) in accordance with paragraph 9, to an Investigating Commissioner.
- (2) Paragraphs 15, 21, 22, 29, 30 and 52 make provision about delegation to committees.

*Committees*

- 11 (1) The Commission may establish one or more committees (to be known as advisory committees) to advise—
- (a) the Commission, or
  - (b) an Investigating Commissioner.
- (2) An advisory committee may include any of the following—
- (a) Commissioners;
  - (b) staff;
  - (c) other non-Commissioners.
- 12 (1) The Commission may establish one or more committees to whom the Commission may delegate functions (to be known as decision-making committees).
- (2) A decision-making committee may include any of the following—
- (a) Commissioners;
  - (b) staff;
  - (c) other non-Commissioners.
- (3) The Commission shall ensure that the Chairman of each decision-making committee is a Commissioner.

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- (4) In allocating its resources the Commission shall ensure that each decision-making committee receives a share sufficient to enable it to exercise its functions.
- 13 A member of a committee shall hold and vacate office in accordance with the terms of his appointment by the Commission (which may include provision for dismissal).
- 14 The Commission—
- (a) may, to any extent, regulate the proceedings of a committee (and may, in particular, determine a quorum for meetings),
  - (b) may, to any extent, permit a committee to regulate its own proceedings (and may, in particular, enable a committee to determine a quorum for meetings), and
  - (c) may dissolve a committee.
- 15 (1) The Commission may delegate a function to a decision-making committee.
- (2) This paragraph is subject to paragraphs 21, 22, 29, 30 and 52.

#### *Scotland Committee*

- 16 (1) The Commission shall establish a decision-making committee to be known as the Scotland Committee.
- (2) The Commission shall ensure that the Scotland Committee is established before any of sections 8 to 12 comes into force (to any extent).
- 17 The Commission shall appoint as the Chairman of the Scotland Committee a Commissioner appointed for the purpose of satisfying paragraph 2(3)(b).
- 18 The Commission shall appoint each member of the Scotland Committee for a period of not less than two years or more than 5 years, subject to the possibilities of—
- (a) reappointment, and
  - (b) dismissal in accordance with the terms of appointment.
- 19 The Scotland Committee shall advise the Commission about the exercise of the Commission's functions in so far as they affect Scotland.
- 20 Before exercising a function in a manner which in the opinion of the Commission is likely to affect persons in Scotland, the Commission shall consult the Scotland Committee.
- 21 (1) The power under section 13—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Scotland Committee in so far as its exercise, in the opinion of the Commission, affects Scotland, and
  - (b) to that extent shall not be exercisable by the Commission.
- (2) Sub-paragraph (1) shall not apply to the power under section 13 in so far as it is treated as delegated to the Disability Committee in accordance with paragraph 52.
- (3) Sub-paragraph (1) shall not prevent the Commission from making arrangements under section 13(1)(d) or (e) for the provision of advice or guidance to persons anywhere in Great Britain.
- 22 (1) The power under section 11(2)(c)—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Scotland Committee in so far as it concerns the giving

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- of advice to devolved government about enactments which, in the opinion of the Commission, affect only Scotland, and
- (b) to that extent shall not be exercisable by the Commission.
- (2) The power under section 11(2)(d)—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Scotland Committee in so far as it concerns the giving of advice to devolved government about proposed changes in the law which, in the opinion of the Commission, would affect only Scotland, and
- (b) to that extent shall not be exercisable by the Commission.
- (3) Sub-paragraphs (1) and (2) shall not apply to the powers under section 11(2)(c) and (d) in so far as they are treated as delegated to the Disability Committee in accordance with paragraph 52.
- 23 In allocating its resources the Commission shall ensure that the Scotland Committee receives a share sufficient to enable it to exercise its functions.

#### *Wales Committee*

- 24 (1) The Commission shall establish a decision-making committee to be known as the Wales Committee.
- (2) The Commission shall ensure that the Wales Committee is established before any of sections 8 to 12 comes into force (to any extent).
- 25 The Commission shall appoint as the Chairman of the Wales Committee a Commissioner appointed for the purpose of satisfying paragraph 2(3)(c).
- 26 The Commission shall appoint each member of the Wales Committee for a period of not less than two years or more than 5 years, subject to the possibilities of—
- (a) reappointment, and
- (b) dismissal in accordance with the terms of appointment.
- 27 The Wales Committee shall advise the Commission about the exercise of its functions in so far as they affect Wales.
- 28 Before exercising a function in a manner which in the opinion of the Commission is likely to affect persons in Wales, the Commission shall consult the Wales Committee.
- 29 (1) The power under section 13—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Wales Committee in so far as its exercise, in the opinion of the Commission, affects Wales, and
- (b) to that extent shall not be exercisable by the Commission.
- (2) Sub-paragraph (1) does not apply to the power under section 13 in so far as it is treated as delegated to the Disability Committee in accordance with paragraph 52.
- (3) Sub-paragraph (1) shall not prevent the Commission from making arrangements under section 13(1)(d) or (e) for the provision of advice or guidance to persons anywhere in Great Britain.
- 30 (1) The power under section 11(2)(c)—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Wales Committee in so far as it concerns the giving of

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- advice to devolved government about enactments which, in the opinion of the Commission, affect only Wales, and
- (b) to that extent shall not be exercisable by the Commission.
- (2) The power under section 11(2)(d)—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Wales Committee in so far as it concerns the giving of advice to devolved government about proposed changes in the law which, in the opinion of the Commission, would affect only Wales, and
- (b) to that extent shall not be exercisable by the Commission.
- (3) Sub-paragraphs (1) and (2) shall not apply to the powers under section 11(2)(c) and (d) in so far as they are treated as delegated to the Disability Committee in accordance with paragraph 52.
- 31 In allocating its resources the Commission shall ensure that the Wales Committee receives a share sufficient to enable it to exercise its functions.

#### *Annual report*

- 32 (1) The Commission shall for each financial year prepare a report on the performance of its functions in that year (to be known as its annual report).
- (2) An annual report shall, in particular, indicate in what manner and to what extent the Commission's performance of its functions has accorded to the plan under section 4.
- (3) The matters addressed by an annual report shall, in particular, include the Commission's activities in relation to—
- (a) Scotland, and
- (b) Wales.
- (4) The Commission shall send each annual report to the Secretary of State within such period, beginning with the end of the financial year to which the report relates, as he may specify.
- (5) The Secretary of State shall lay before Parliament a copy of each annual report received under sub-paragraph (4).
- (6) The Commission shall send a copy of each annual report to—
- (a) the Scottish Parliament, and
- (b) the National Assembly for Wales.

#### *Savings*

- 33 The validity of proceedings of the Commission shall not be affected by—
- (a) a vacancy (whether for Commissioner, Chairman, deputy Chairman or chief executive), or
- (b) a defect in relation to an appointment.
- 34 The validity of proceedings of a committee of the Commission shall not be affected by—
- (a) a vacancy (including a vacancy in the office of Chairman), or

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- (b) a defect in relation to an appointment (including a defect in relation to the office of Chairman).

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