

Status: Point in time view as at 01/10/2010.

Changes to legislation: Equality Act 2006 is up to date with all changes known to be in force on or before 29 March 2024. 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)

SCHEDULES

SCHEDULE 1

Section 2

THE COMMISSION: CONSTITUTION, &C.

PART 1

CONSTITUTION

Membership

- 1 (1) The [F1Secretary of State] shall appoint not less than 10 or more than 15 individuals as members of the Commission (to be known as Commissioners).
- (2) The chief executive of the Commission (appointed under paragraph 7 below) shall be a Commissioner *ex officio*.

Textual Amendments

F1 Words in Sch. 1 substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(2\)\(o\)](#)

- 2 (1) In appointing Commissioners the [F1Secretary of State] shall—
 - (a) appoint an individual only if the [F1Secretary of State] thinks that the individual—
 - (i) has experience or knowledge relating to a relevant matter, or
 - (ii) is suitable for appointment for some other special reason, and
 - (b) have regard to the desirability of the Commissioners together having experience and knowledge relating to the relevant matters.
- (2) For the purposes of sub-paragraph (1) the relevant matters are those matters in respect of which the Commission has functions including, in particular—
 - (a) discrimination (whether on grounds of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation or otherwise), and
 - (b) human rights.
- (3) The [F1Secretary of State] shall ensure that the Commission includes—
 - (a) a Commissioner appointed under paragraph 1(1) who is (or has been) a disabled person,
 - (b) a Commissioner appointed under paragraph 1(1), with the consent of the Scottish Ministers, who knows about conditions in Scotland, and
 - (c) a Commissioner appointed under paragraph 1(1), with the consent of the [F2Welsh Ministers]^{F2}, who knows about conditions in Wales.

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- (4) A person may not be appointed for the purpose of satisfying more than one paragraph of sub-paragraph (3).

Textual Amendments

- F1** Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)
- F2** Words in [Sch. 1](#) para. 2(3)(c) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), [art. 3](#), [Sch. 1 para. 120](#), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [Government of Wales Act 2006](#), ss. 46, 161(5)

Tenure

- 3 (1) A Commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).
- (2) The appointment of a Commissioner must be expressed to be for a specified period of not less than two years or more than five years.
- (3) A Commissioner whose period of membership has expired may be re-appointed.
- (4) A Commissioner may resign by notice in writing to the [F1Secretary of State].
- (5) The [F1Secretary of State] may dismiss a Commissioner who is, in the opinion of the [F1Secretary of State], unable, unfit or unwilling to perform his functions.
- (6) This paragraph does not apply to the chief executive.

Textual Amendments

- F1** Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

Chairman

- 4 (1) The [F1Secretary of State] shall appoint—
- (a) a Commissioner as Chairman, and
- (b) one or more Commissioners as deputy Chairman.
- (2) The Chairman shall—
- (a) preside over meetings of the Commission,
- (b) perform such functions as may be specified in the terms of his appointment, and
- (c) perform such other functions as may be assigned to him by the Commission.
- (3) A deputy Chairman—
- (a) may act for the Chairman when he is unavailable, and
- (b) shall perform—

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- (i) such functions as may be specified in the terms of his appointment, and
 - (ii) such other functions as the Chairman may delegate or assign to him.
- (4) The Chairman or a deputy Chairman—
- (a) shall vacate office if he ceases to be a Commissioner,
 - (b) may resign by notice in writing to the [^{F1}Secretary of State], and
 - (c) otherwise, shall hold and vacate office in accordance with the terms of his appointment (and may be reappointed).
- (5) If the Chairman resigns he shall cease to be a Commissioner (but he may be reappointed as a Commissioner).
- (6) The chief executive may not be appointed Chairman or deputy Chairman.

Textual Amendments

F1 Words in Sch. 1 substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(2\)\(o\)](#)

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 [^{F1}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 [^{F1}Secretary of State] as to—
- (a) numbers, and
 - (b) terms and conditions of appointment.

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Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

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—

- (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 [^{F1}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 [^{F1}Secretary of State]).

Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

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.

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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.
- (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.

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- 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 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.

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- 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 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.

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- (4) The Commission shall send each annual report to the [F1Secretary of State] within such period, beginning with the end of the financial year to which the report relates, as he may specify.
- (5) The [F1Secretary 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.

Textual Amendments

- F1** Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

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

PART 3

MONEY

Remuneration, &c.

- 35 (1) The Commission may pay to the Chairman, a deputy Chairman or another Commissioner—
- (a) such remuneration as the [F1Secretary of State] may determine, and
 - (b) such travelling and other allowances as the [F1Secretary of State] may determine.
- (2) The Commission may pay to or in respect of the Chairman, a deputy Chairman or another Commissioner such sums as the [F1Secretary of State] may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the [F1Secretary of State] thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman, deputy Chairman or Commissioner to receive compensation, the Commission may pay to him such compensation as the [F1Secretary of State] may determine.

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(4) This paragraph does not apply to the Chief Executive.

Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

- 36 (1) The Commission may pay sums to or in respect of a member or former member of staff by way of or in respect of—
- remuneration,
 - allowances,
 - pensions,
 - gratuities, or
 - compensation for loss of employment.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place—
- “The Commission for Equality and Human Rights.”
- (3) The Commission shall pay to the Minister for the Civil Service such sums as he may determine in respect of any increase attributable to sub-paragraph (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c. 11).
- 37 (1) The Commission may, with the approval of the [^{F1}Secretary of State], pay sums to or in respect of a member or former member of an advisory or decision-making committee by way of or in respect of—
- remuneration,
 - allowances, or
 - gratuities.
- (2) This paragraph does not apply in relation to a person who is a member of staff of the Commission.
- (3) Approval for the purposes of sub-paragraph (1) may be general or specific.

Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

[^{F1}Secretary of State]

- 38 The [^{F1}Secretary of State] shall pay to the Commission such sums as appear to the [^{F1}Secretary of State] reasonably sufficient for the purpose of enabling the Commission to perform its functions.

Charging

- 39 The Commission may make a charge for a service provided under section 13 or 27.

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Accounts

- 40 (1) The Commission shall—
- (a) keep proper accounting records, and
 - (b) prepare a statement of accounts in respect of each financial year in such form as the [F1Secretary of State] may direct.
- (2) The Commission shall send a copy of a statement under sub-paragraph (1)(b) to—
- (a) the [F1Secretary of State], and
 - (b) the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the [F1Secretary of State] may direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on a statement received under this paragraph, and
 - (b) lay a copy of the statement and his report before Parliament.
- (5) The [F1Secretary of State] may make a direction under sub-paragraph (1)(b) only with the consent of the Treasury.

Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(2\)\(o\)](#)

Financial year

- 41 (1) The financial year of the Commission shall be the period of 12 months ending with 31st March.
- (2) But the first financial year of the Commission shall be the period—
- (a) beginning with the coming into force of section 1, and
 - (b) ending with—
 - (i) the following 31st March, if that section comes into force on 1st April, and
 - (ii) the second following 31st March, in any other case.

PART 4

STATUS, &C.

Status

- 42 (1) The Commission shall not—
- (a) be regarded as the servant or agent of the Crown, or
 - (b) enjoy any status, immunity or privilege of the Crown.
- (2) Service as Commissioner, Investigating Commissioner or employee of the Commission is not employment in the civil service of the State.

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- (3) The [F1 Secretary of State] shall have regard to the desirability of ensuring that the Commission is under as few constraints as reasonably possible in determining—
- (a) its activities,
 - (b) its timetables, and
 - (c) its priorities.

Textual Amendments

- F1** Words in Sch. 1 substituted (18.8.2010) by Transfer of Functions (Equality) Order 2010 (S.I. 2010/1839), art. 1(2), Sch. para. 7(2)(o)

Supervision

- 43 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) at the appropriate place insert— “ The Commission for Equality and Human Rights. ”

Disqualifications

- 44 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies all members of which are disqualified) at the appropriate place insert— “ The Commission for Equality and Human Rights. ”
- (2) In Part III of that Schedule (other disqualifying offices) at the appropriate place insert — “ Investigating Commissioner of, or member of a decision-making committee of, the Commission for Equality and Human Rights. ”
- 45 (1) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies all members of which are disqualified) at the appropriate place insert — “ The Commission for Equality and Human Rights. ”
- (2) In Part III of that Schedule (other disqualifying offices) at the appropriate place insert — “ Investigating Commissioner of, or member of a decision-making committee of, the Commission for Equality and Human Rights. ”
- 46 A Commissioner or Investigating Commissioner, and a member of a decision-making committee of the Commission, shall be disqualified from being a member of the National Assembly for Wales.

Records

- 47 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) at the appropriate place in Part II of the Table at the end of paragraph 3 insert— “ The Commission for Equality and Human Rights. ”

Freedom of information

- 48 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies) at the appropriate place insert— “ The Commission for Equality and Human Rights. ”

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PART 5

DISABILITY COMMITTEE

Establishment

- 49 (1) The Commission shall establish a decision-making committee to be known as the Disability Committee.
- (2) The Commission shall ensure that the Disability Committee is established before either section 8 or section 10, in so far as they relate to disability, comes into force (to any extent).

Membership

- 50 (1) The Commission shall ensure that—
- (a) there are not less than 7 or more than 9 members of the Disability Committee,
 - (b) at least one half of the members are (or have been) disabled persons, and
 - (c) the Chairman is (or has been) a disabled person.
- (2) The Transition Commissioner nominated by the chairman of the Disability Rights Commission may not be a member of the Disability Committee.
- 51 The appointment of each member of the Disability Committee shall be for a period of not less than two years or more than 5 years, subject to the possibilities of—
- (a) reappointment,
 - (b) dismissal in accordance with the terms of appointment, and
 - (c) the lapsing of the appointment upon the dissolution of the Committee.

Functions

- 52 (1) The Commission shall by virtue of this paragraph be treated as having delegated to the Disability Committee—
- (a) the Commission's duty under section 8 in so far as it relates to disability matters and may be fulfilled by the exercise of the powers conferred by or referred to in—
 - (i) section 11,
 - (ii) section 13(1)(a), (c) or (d) (or paragraph (e) or (f) in so far as it relates to paragraph (a), (c) or (d)),
 - (iii) section 14,
 - (iv) section 15,
 - (v) section 19, in so far as it relates to disability,
 - (vi) section 27,
 - (vii) section 28, or
 - (viii) section 30,
 - (b) the Commission's duty under section 10 in so far as it relates to disability and may be fulfilled by the exercise of those powers, and
 - (c) those powers in so far as they are or may be exercised for the purpose of disability matters.

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- (2) Delegation under this paragraph shall not prevent the exercise by the Commission of a power, or the fulfilment by the Commission of a duty, by action which relates partly to disability matters and partly to other matters.
- (3) In this paragraph “disability matters” means—
- (a) matters provided for in [^{F3}Parts 2, 3, 4, 6, 7, 12 and 13 of the Equality Act 2010, in so far as they relate to disability],
 - (b) sections 8 and 10 above, in so far as they relate to disability, and
 - (c) matters addressed in sections 14(3) and (4), 27(2) and (3) and 28(2) and (3).
- (4) Before exercising a power to which paragraph 21(2) or 22(3) applies the Disability Committee shall consult the Scotland Committee.
- (5) Before exercising a power to which paragraph 29(2) or 30(3) applies the Disability Committee shall consult the Wales Committee.

Textual Amendments

F3 Words in [Sch. 1 para. 52\(3\)\(a\)](#) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\)](#), [Sch. 26 para. 84\(2\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(xi\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))

- 53 Before exercising a power or fulfilling a duty wholly or partly in relation to a matter affecting disabled persons (including, in particular, any matter provided for in [^{F4}Part 5 of the Equality Act 2010]) the Commission shall consult the Disability Committee.

Textual Amendments

F4 Words in [Sch. 1 para. 53](#) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\)](#), [Sch. 26 para. 84\(3\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(xi\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))

- 54 The Disability Committee shall advise the Commission about the exercise of the Commission's functions in so far as they affect disabled persons (including, in particular, in so far as they relate to any matter provided for in [^{F5}Part 5 of the Equality Act 2010]).

Textual Amendments

F5 Words in [Sch. 1 para. 54](#) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\)](#), [Sch. 26 para. 84\(4\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(xi\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))

Resources

- 55 In allocating its resources the Commission shall ensure that the Disability Committee receives a share sufficient to enable it to exercise its functions.

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Report

- 56 (1) The Disability Committee shall for each financial year of the Commission submit to the Commission a report on the Committee's activities in that year.
- (2) The Commission shall incorporate each report of the Disability Committee under sub-paragraph (1) into the relevant annual report of the Commission.

5-year review

- 57 The Commission shall arrange for a review of the activities of the Disability Committee to be conducted as soon as is reasonably practicable after the end of the period of five years beginning with the date of the commencement for all purposes of sections 8 and 10 in so far as they relate to disability.
- 58 The following may not participate in the review (although those conducting the review may seek views from any of the following)—
- (a) a Commissioner or former Commissioner,
 - (b) staff or former staff of the Commission,
 - (c) a person who is or has been an Investigating Commissioner, and
 - (d) a person who is or has been a member of a committee established by the Commission.
- 59 The Commission shall ensure—
- (a) that those conducting the review consult disabled persons and other persons whom they think likely to have an interest,
 - (b) that those conducting the review submit a report to the Commission which, in particular, recommends for how long the Disability Committee should continue in existence, and
 - (c) that the report is published.
- 60 As soon as is reasonably practicable after receiving a report under paragraph 59 the Commission shall recommend to the [F1Secretary of State] for how long the Disability Committee should continue in existence.

Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

- 61 As soon as is reasonably practicable after receiving a recommendation under paragraph 60 the [F1Secretary of State] shall by order—
- (a) dissolve the Disability Committee with effect from such time as shall be specified in the order, and
 - (b) repeal this Part of this Schedule with effect from that time.

Textual Amendments

F1 Words in [Sch. 1](#) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), [art. 1\(2\)](#), [Sch. para. 7\(2\)\(o\)](#)

- 62 An order under paragraph 61 may include provision about—

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- (a) the conduct of the business of the Disability Committee before its dissolution;
 - (b) the conduct of the Commission after the dissolution of the Disability Committee in relation to functions formerly delegated to that committee.
- 63 The dissolution of the Disability Committee is without prejudice to any power of the Commission under this Schedule—
- (a) to establish a committee, or
 - (b) to delegate to a committee.
- 64 The Disability Committee may not be dissolved under paragraph 14(c).

SCHEDULE 2

Sections 16, 20 and 31

INQUIRIES, INVESTIGATIONS AND ASSESSMENTS

Introduction

- 1 This Schedule applies to—
- (a) inquiries under section 16,
 - (b) investigations under section 20, and
 - (c) assessments under section 31.

Terms of reference

- 2 Before conducting an inquiry the Commission shall—
- (a) publish the terms of reference of the inquiry in a manner that the Commission thinks is likely to bring the inquiry to the attention of persons whom it concerns or who are likely to be interested in it, and
 - (b) in particular, give notice of the terms of reference to any persons specified in them.
- 3 Before conducting an investigation the Commission shall—
- (a) prepare terms of reference specifying the person to be investigated and the nature of the unlawful act which the Commission suspects,
 - (b) give the person to be investigated notice of the proposed terms of reference,
 - (c) give the person to be investigated an opportunity to make representations about the proposed terms of reference,
 - (d) consider any representations made, and
 - (e) publish the terms of reference once settled.
- 4 Before conducting an assessment of a person's compliance with a duty the Commission shall—
- (a) prepare terms of reference,
 - (b) give the person notice of the proposed terms of reference,
 - (c) give the person an opportunity to make representations about the proposed terms of reference,
 - (d) consider any representations made, and
 - (e) publish the terms of reference once settled.

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- 5 Paragraphs 2 to 4 shall apply in relation to revised terms of reference as they apply in relation to original terms of reference.

Representations

- 6 (1) The Commission shall make arrangements for giving persons an opportunity to make representations in relation to inquiries, investigations and assessments.
- (2) In particular, in the course of an investigation, inquiry or assessment the Commission must give any person specified in the terms of reference an opportunity to make representations.

7 Arrangements under paragraph 6 may (but need not) include arrangements for oral representations.

- 8 (1) The Commission shall consider representations made in relation to an inquiry, investigation or assessment.
- (2) But the Commission may, where they think it appropriate, refuse to consider representations—
- (a) made neither by nor on behalf of a person specified in the terms of reference, or
 - (b) made on behalf of a person specified in the terms of reference by a person who is not [^{F6}a relevant lawyer]^{F6}.

[^{F7}(2A) “Relevant lawyer” means—

- (a) an advocate or solicitor in Scotland, or
- (b) a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).]

^{F7}(3) If the Commission refuse to consider representations in reliance on sub-paragraph (2) they shall give the person who makes them written notice of the Commission's decision and the reasons for it.

Textual Amendments

- F6** Words in [Sch. 2 para. 8\(2\)\(b\)](#) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 152\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with [art. 9](#))
- F7** [Sch. 2 para. 8\(2A\)](#) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 152\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2](#) (with [art. 9](#))

Evidence

9 In the course of an inquiry, investigation or assessment the Commission may give a notice under this paragraph to any person.

- 10 (1) A notice given to a person under paragraph 9 may require him—
- (a) to provide information in his possession,
 - (b) to produce documents in his possession, or
 - (c) to give oral evidence.

(2) A notice under paragraph 9 may include provision about—

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- (a) the form of information, documents or evidence;
 - (b) timing.
- (3) A notice under paragraph 9—
 - (a) may not require a person to provide information that he is prohibited from disclosing by virtue of an enactment,
 - (b) may not require a person to do anything that he could not be compelled to do in proceedings before the High Court or the Court of Session, and
 - (c) may not require a person to attend at a place unless the Commission undertakes to pay the expenses of his journey.
- 11 The recipient of a notice under paragraph 9 may apply to a county court (in England and Wales) or to the sheriff (in Scotland) to have the notice cancelled on the grounds that the requirement imposed by the notice is—
 - (a) unnecessary having regard to the purpose of the inquiry, investigation or assessment to which the notice relates, or
 - (b) otherwise unreasonable.
- 12 (1) Sub-paragraph (2) applies where the Commission thinks that a person—
 - (a) has failed without reasonable excuse to comply with a notice under paragraph 9, or
 - (b) is likely to fail without reasonable excuse to comply with a notice under paragraph 9.

(2) The Commission may apply to a county court (in England and Wales) or to the sheriff (in Scotland) for an order requiring a person to take such steps as may be specified in the order to comply with the notice.
- 13 (1) A person commits an offence if without reasonable excuse he—
 - (a) fails to comply with a notice under paragraph 9 or an order under paragraph 12(2),
 - (b) falsifies anything provided or produced in accordance with a notice under paragraph 9 or an order under paragraph 12(2), or
 - (c) makes a false statement in giving oral evidence in accordance with a notice under paragraph 9.

(2) A person who is guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- 14 (1) Where a person is given a notice under paragraph 9 he shall disregard it, and notify the Commission that he is disregarding it, in so far as he thinks it would require him—
 - (a) to disclose sensitive information within the meaning of paragraph 4 of Schedule 3 to the Intelligence Services Act 1994 (c. 13) (Intelligence and Security Committee),
 - (b) to disclose information which might lead to the identification of an employee or agent of an intelligence service (other than one whose identity is already known to the Commission),
 - (c) to disclose information which might provide details of processes used in recruiting, selecting or training employees or agents of an intelligence service,
 - (d) to disclose information which might provide details of, or cannot practicably be separated from, information falling within any of paragraphs (a) to (c), or

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- (e) to make a disclosure of information relating to an intelligence service which would prejudice the interests of national security.
- (2) In sub-paragraph (1) “intelligence service” means—
- (a) the Security Service,
 - (b) the Secret Intelligence Service, and
 - (c) the Government Communications Headquarters.
- (3) Where in response to a notice under paragraph 9 a person gives a notice to the Commission under sub-paragraph (1) above—
- (a) paragraphs 12 and 13 shall not apply in relation to that part of the notice under paragraph 9 to which the notice under sub-paragraph (1) above relates,
 - (b) the Commission may apply to the tribunal established by section 65 of the Regulation of Investigatory Powers Act 2000 (c. 23) for an order requiring the person to take such steps as may be specified in the order to comply with the notice,
 - (c) the following provisions of that Act shall apply in relation to proceedings under this paragraph as they apply in relation to proceedings under that Act (with any necessary modifications)—
 - (i) section 67(7), (8) and (10) to (12) (determination),
 - (ii) section 68 (procedure), and
 - (iii) section 69 (rules), and
 - (d) the tribunal shall determine proceedings under this paragraph by considering the opinion of the person who gave the notice under sub-paragraph (1) above in accordance with the principles that would be applied by a court on an application for judicial review of the giving of the notice.
- (4) Where the Commission receives information or documents from or relating to an intelligence service in response to a notice under paragraph 9, the Commission shall store and use the information or documents in accordance with any arrangements specified by the Secretary of State.
- (5) The recipient of a notice under paragraph 9 may apply to the High Court (in England and Wales) or the Court of Session (in Scotland) to have the notice cancelled on the grounds that the requirement imposed by the notice is undesirable for reasons of national security, other than for the reason that it would require a disclosure of a kind to which sub-paragraph (1) above applies.

Reports

- 15 The Commission shall publish a report of its findings on an inquiry, investigation or assessment.

Recommendations

- 16 (1) The Commission may make recommendations—
- (a) as part of a report of an inquiry, investigation or assessment under paragraph 15, or
 - (b) in respect of a matter arising in the course of an inquiry, investigation or assessment.
- (2) A recommendation may be addressed to any class of person.

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Effect of report

- 17 (1) A court or tribunal—
- (a) may have regard to a finding of the report of an inquiry, investigation or assessment, but
 - (b) shall not treat it as conclusive.
- 18 A person to whom a recommendation in the report of an inquiry, investigation or assessment is addressed shall have regard to it.

Courts and tribunals

- 19 An inquiry, investigation or assessment may not question (whether expressly or by necessary implication) the findings of a court or tribunal.

Intelligence services

- 20 (1) An inquiry may not consider—
- (a) whether an intelligence service has acted (or is acting) in a way which is incompatible with a person's human rights, or
 - (b) other matters concerning human rights in relation to an intelligence service.
- (2) In this paragraph “intelligence service” has the same meaning as in paragraph 14.

SCHEDULE 3

Section 40

AMENDMENTS CONSEQUENTIAL ON PART 1

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records) omit the reference to the Disability Rights Commission.

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, &c. subject to investigation) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.

Superannuation Act 1972 (c. 11)

- 3 In Schedule 1 to the Superannuation Act 1972 (employments) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.

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House of Commons Disqualification Act 1975 (c. 24)

- 4 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In Part II of Schedule 1 (bodies of which all members are disqualified) omit the references to—
 - (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.
- (3) In Part III of Schedule 1 (disqualifying offices) omit the references to—
 - (a) Additional Commissioner of the Commission for Racial Equality, and
 - (b) Additional Commissioner of the Equal Opportunities Commission.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.
- (2) In Part II of Schedule 1 (bodies of which all members are disqualified) omit the references to—
 - (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.
- (3) In Part III of Schedule 1 (disqualifying offices) omit the references to—
 - (a) Additional Commissioner of the Commission for Racial Equality, and
 - (b) Additional Commissioner of the Equal Opportunities Commission.

Sex Discrimination Act 1975 (c. 65)

F86

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, Sch. 27 Pt. 1 (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F87

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, Sch. 27 Pt. 1 (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F88

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Textual Amendments

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F8₉

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F8₁₀

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F8₁₁

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F8₁₂

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F8₁₃

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F8₁₄

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F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F815

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F816

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F817

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F818

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F819

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F820

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Textual Amendments

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Race Relations Act 1976 (c. 74)

F821

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F822

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F823

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F824

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F825

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F826

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Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F827

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F828

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F829

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F830

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F831

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F832

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Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F833

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F834

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F835

Textual Amendments

F8 Sch. 3 paras. 6-35 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

Estate Agents Act 1979 (c. 38)

36 The Estate Agents Act 1979 shall be amended as follows.

37 In section 9(6) (provision of information to Office of Fair Trading)—

(a) for paragraph (a) substitute—

“(a) the Commission for Equality and Human Rights, and”, and

(b) paragraph (c) (and the word “and” immediately before it) shall cease to have effect.

38 (1) Schedule 1 shall be amended as follows.

(2) For paragraph 2(b) to (d) substitute—

“(b) where he has been given an unlawful act notice under section 21 of the Equality Act 2006 and no appeal under that section is pending or can be brought;

(c) where he is the subject of an injunction, interdict or order under section 24 (unlawful acts) or 25 (unlawful advertising, pressure, &c.) of the Equality Act 2006;

(d) where—

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- (i) a county court has determined in accordance with section 25 of the Equality Act 2006 that he committed an act which is unlawful under section 38, 39 or 40 of the Sex Discrimination Act 1975 or section 29, 30 or 31 of the Race Relations Act 1976 (unlawful advertising, pressure, &c.), and
- (ii) no appeal under section 25 of the Equality Act 2006 is pending or can be brought (disregarding an appeal out of time);”.

(3) Paragraph 2(f) to (h) shall cease to have effect.

(4) In the words following paragraph 2(h) after “injunction” insert “ , interdict ”.

(5) In paragraph 4(1) and (2) omit—

- (a) the words “and notices”, and
- (b) the words “(1) and”.

Legal Aid (Scotland) Act 1986 (c. 47)

39 (1) The Legal Aid (Scotland) Act 1986 shall be amended as follows.

(2) In section 4(2) (sums which may be paid out of the Scottish Legal Aid Fund), after paragraph (ab) insert—

“(ac) any sums payable by the Board under section 17(2D) of this Act;”.

(3) In section 17 (contributions and payments out of property recovered), after subsection (2B) insert—

“(2C) Subsection (2D) below applies where, after applying sums paid to the Board under subsection (2A) above in respect of the expenses of any party in any proceedings—

- (a) there is a surplus in the Fund on the account of the party; and
- (b) the party received, in respect of the same proceedings, assistance from the Commission for Equality and Human Rights under section 28 of the Equality Act 2006 (power of the Commission to provide legal assistance).

(2D) The Board shall apply the surplus to pay to the Commission any sums due to it under section 29(2) of that Act (Commission's entitlement to recover expenses incurred in providing assistance) in respect of the assistance provided by it to the party.”

Employment Act 1989 (c. 38)

40 In section 28(2) of the Employment Act 1989 (orders) for “Equal Opportunities Commission” substitute “ Commission for Equality and Human Rights ”.

Disability Discrimination Act 1995 (c. 50)

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Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F942

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F943

Textual Amendments

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F944

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F945

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F946

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F947

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F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F948

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F949

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F950

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F951

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F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F952

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F953

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F954

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F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

F955

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F956

Textual Amendments

F9 Sch. 3 paras. 41-56 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 85, **Sch. 27 Pt. 1** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(xi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

Employment Tribunals Act 1996 (c. 17)

57 After section 21(1)(gb) of the Employment Tribunals Act 1996 (jurisdiction of Employment Appeal Tribunal) insert—
“(gc) the Equality Act 2006.”

Asylum and Immigration Act 1996 (c. 49)

58 In section 8A(4)(a) of the Asylum and Immigration Act 1996, for “Commission for Racial Equality;” substitute “ Commission for Equality and Human Rights; ”.

Disability Rights Commission Act 1999 (c. 17)

59 The Disability Rights Commission Act 1999 shall cease to have effect.

Freedom of Information Act 2000 (c. 36)

60 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public bodies) omit the references to—
(a) the Commission for Racial Equality,

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- (b) the Disability Rights Commission, and
- (c) the Equal Opportunities Commission.

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 61 In Schedule 4 to the Anti-terrorism, Crime and Security Act 2001 (disclosure)—
- (a) paragraphs 13, 14 and 46 shall cease to have effect, and
 - (b) after paragraph 53A insert—

“Equality Act 2006

53B Section 6 of the Equality Act 2006.”

Housing (Scotland) Act 2001 (asp 10)

- 62 In paragraph 8(e) of Schedule 5 to the Housing (Scotland) Act 2001, for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”.

Housing (Scotland) Act 2006 (asp 01)

- 63 In each of the following provisions of the Housing (Scotland) Act 2006, for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”
- (a) section 53(1)(g),
 - (b) section 65(4), and
 - (c) section 67(2)(b)(i).

SCHEDULE 4

Section 91

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Records Act 1958 (c. 51)	In Part II of Schedule 1, the reference to the Disability Rights Commission.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.
Superannuation Act 1972 (c. 11)	In Schedule 1, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.
House of Commons Disqualification Act 1975 (c. 24)	In Part II of Schedule 1, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.

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	<p>In Part III of Schedule 1, the references to an Additional Commissioner of the Commission for Racial Equality and an Additional Commissioner of the Equal Opportunities Commission.</p>
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	<p>In Part II of Schedule 1, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.</p> <p>In Part III of Schedule 1, the references to an Additional Commissioner of the Commission for Racial Equality and an Additional Commissioner of the Equal Opportunities Commission.</p>
Sex Discrimination Act 1975 (c. 65)	<p>Part VI.</p> <p>Sections 67 to 73.</p> <p>Section 75.</p> <p>Section 76(3) and (4).</p> <p>Section 76D.</p> <p>Section 76E.</p> <p>In section 81(1) the words “and 59(2)”.</p> <p>In section 81(2) the words “, 59(2)”.</p> <p>In section 82(1) the definitions of “formal investigation” and “non-discrimination notice”.</p> <p>In section 82(4) the words—</p> <ul style="list-style-type: none">(a) “a non-discrimination notice or”,(b) “notice or”, and(c) the words from “and for this purpose” to the end of the subsection. <p>Schedule 3.</p>
Race Relations Act 1976 (c. 74)	<p>Part VII.</p> <p>Sections 58 to 64.</p> <p>Section 66.</p> <p>Sections 71C to 71E.</p> <p>Section 68(3), (3A)(c), (4) and (5).</p> <p>In section 74(1), the words “(except section 50(2)(a))”.</p> <p>Section 74(5).</p> <p>In section 78(1) the definitions of “formal investigation” and “non-discrimination notice”.</p> <p>In section 78(4) the words—</p> <ul style="list-style-type: none">(a) “a non-discrimination notice or”,(b) “notice or”, and(c) the words from “and for this purpose” to the end of the subsection. <p>Schedule 1.</p> <p>In Part II of Schedule 1A, the references to the Commission for Racial Equality,</p>

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	Disability Rights Commission and Equal Opportunities Commission. Paragraphs 1, 2, 6, 7, 8 and 9 of Schedule 4.
Estate Agents Act 1979 (c. 38)	Section 9(6)(c) (and the word “and” immediately before it). Paragraph 2(f) to (h) of Schedule 1. In each sub-paragraph of paragraph 4 of Schedule 1— (a) the words “and notices”, and (b) the words “(1) and”.
County Courts Act 1984 (c. 28)	Paragraphs 54 and 61 of Schedule 2.
Legal Aid (Scotland) Act 1986 (c. 47)	Paragraphs 5 and 6 of Schedule 3.
Legal Aid Act 1988 (c. 34)	Paragraphs 6 and 7 of Schedule 5.
Housing Act 1988 (c. 50)	Section 137.
Employment Act 1989 (c. 38)	Paragraph 16 of Schedule 6.
Local Government and Housing Act 1989 (c. 42)	Section 180.
Trade Union Reform and Employment Rights Act 1993 (c. 19)	Paragraph 15 of Schedule 7.
Disability Discrimination Act 1995 (c. 50)	Section 17B. Section 28. Section 31B. Section 49E. Section 49F. Section 49H. Section 49I. Section 53A. In section 67(5)(b), the words “, 53A(6)(a)”. In the definition of “regulations” in section 68(1), the words “to 49F”.
Employment Tribunals Act 1996 (c. 17)	Paragraphs 3 and 4(3) of Schedule 1.
Disability Rights Commission Act 1999 (c. 17)	The whole Act.
Access to Justice Act 1999 (c. 22)	Paragraphs 13, 14 and 56 of Schedule 4.
Race Relations (Amendment) Act 2000 (c. 34)	Paragraphs 8, 9 and 11 of Schedule 2.
Freedom of Information Act 2000 (c. 36)	In Part VI of Schedule 1, the references to the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission.
Special Educational Needs and Disability Act 2001 (c. 10)	Sections 35 to 37. Schedule 7.
Anti-terrorism, Crime and Security Act 2001 (c. 24)	Paragraphs 13, 14 and 46 of Schedule 4.

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Nationality, Immigration and Asylum Act 2002 (c. 41)	Paragraphs 13 and 15 of Schedule 7.
Disability Discrimination Act 2005 (c. 13)	Section 16(2) and (3). Paragraphs 10, 25, 28 and 50 of Schedule 1.
Equality Act 2006	Section 86.

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