



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Enforcement powers

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

- (1) This section applies to an act which is unlawful under any of the following—
 - (a) sections 38 to 40 of the Sex Discrimination Act 1975 (c. 65) (advertising; and instructions or pressure to discriminate),
 - (b) sections 29 to 31 of the Race Relations Act 1976 (c. 74) (advertising; and instructions or pressure to discriminate),
 - (c) sections 16B and 16C of the Disability Discrimination Act 1995 (c. 50) (advertising; and instructions or pressure to discriminate), and
 - (d) sections 54 and 55 below (religious discrimination: advertising; and instructions or pressure to discriminate).
- (2) Legal proceedings in relation to action to which this section applies—
 - (a) may be brought by the Commission in accordance with this section, and
 - (b) may not be brought by anyone else.
- (3) Where the Commission thinks that a person has done an act to which this section applies the Commission may—
 - (a) present a complaint to an employment tribunal, where the act is alleged to be unlawful by reference to—
 - (i) Part 2 of the Sex Discrimination Act 1975,
 - (ii) Part 2 of the Race Relations Act 1976,
 - (iii) Part 2 of the Disability Discrimination Act 1995,
 - (iv) Part 3 of that Act in so far as it relates to employment services, or
 - (v) Part 2 of this Act, or

- (b) in any other case, apply to a county court (in England and Wales) or the sheriff (in Scotland).
- (4) On a complaint or application under subsection (3) in respect of an alleged act to which this section applies, the tribunal, court or sheriff shall determine whether the allegation is correct.
- (5) The Commission may apply to a county court (in England and Wales) for an injunction restraining a person from doing an act to which this section applies where—
 - (a) either—
 - (i) a tribunal or court has determined under subsection (4) that the person has done an act to which this section applies, or
 - (ii) the Commission thinks that the person has done an act to which this section applies, and
 - (b) the Commission thinks that if unrestrained the person is likely to do another act to which this section applies.
- (6) The Commission may apply to the sheriff (in Scotland) for an interdict prohibiting a person from doing an act to which this section applies where—
 - (a) either—
 - (i) a tribunal or the sheriff has determined under subsection (4) that the person has done an act to which this section applies, or
 - (ii) the Commission thinks that the person has done an act to which this section applies, and
 - (b) the Commission thinks that without an interdict the person is likely to do another act to which this section applies.
- (7) Subsection (1) does not apply to an act which constitutes an offence.