



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Enforcement powers

28 Legal assistance

- (1) The Commission may assist an individual who is or may become party to legal proceedings if—
 - (a) the proceedings relate or may relate (wholly or partly) to a provision of the [F¹Equality Act 201], and
 - (b) the individual alleges that he has been the victim of behaviour contrary to a provision of the [F²that Act].
- (2) The Commission may assist an individual who is or may become party to legal proceedings in England and Wales if and in so far as the proceedings concern or may concern the question of a landlord's reasonableness in relation to consent to the making of an improvement to a dwelling where the improvement would be likely to facilitate the enjoyment of the premises by the tenant or another lawful occupier having regard to a disability.
- (3) The Commission may assist an individual who is or may become a party to legal proceedings in Scotland if and in so far as the proceedings concern or may concern the question whether—
 - (a) it is unreasonable for a landlord to withhold consent to the carrying out of work in relation to a house (within the meaning of the Housing (Scotland) Act 2006 (asp 01)) for the purpose of making the house suitable for the accommodation, welfare or employment of any disabled person who occupies, or intends to occupy, the house as a sole or main residence, or
 - (b) any condition imposed by a landlord on consenting to the carrying out of such work is unreasonable.

Status: Point in time view as at 29/07/2013. This version of this provision has been superseded.

Changes to legislation: Equality Act 2006, Section 28 is up to date with all changes known to be in force on or before 20 May 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)

- (4) In giving assistance under this section the Commission may provide or arrange for the provision of—
- (a) legal advice;
 - (b) legal representation;
 - (c) facilities for the settlement of a dispute;
 - (d) any other form of assistance.
- (5) Assistance may not be given under subsection (1) in relation to alleged behaviour contrary to a provision of ^[F3]Part 12 of the Equality Act 2010 (disabled persons:] transport).
- (6) Where proceedings relate or may relate partly to a provision of ^[F4]the Equality Act 2010] and partly to other matters—
- (a) assistance may be given under subsection (1) in respect of any aspect of the proceedings while they relate to a provision of ^[F5]that Act], but
 - (b) if the proceedings cease to relate to a provision of ^[F5]that Act], assistance may not be continued under subsection (1) in respect of the proceedings (except in so far as it is permitted by virtue of subsection (7) or (8)).
- (7) The Lord Chancellor may by order disapply subsection (6)(b), and enable the Commission to give assistance under subsection (1), in respect of legal proceedings which—
- (a) when instituted, related (wholly or partly) to a provision of the ^[F6]Equality Act 2010],
 - (b) have ceased to relate to the provision of ^[F7]that Act], and
 - (c) relate (wholly or partly) to any of the Convention rights within the meaning given by section 1 of the Human Rights Act 1998 (c. 42).
- (8) The ^[F8]Secretary of State] may by order enable the Commission to give assistance under this section in respect of legal proceedings in the course of which an individual who is or has been a disabled person relies or proposes to rely on a matter relating to his disability; but an order under this subsection may not permit assistance in relation to alleged behaviour contrary to a provision of ^[F9]Part 12 of the Equality Act 2010].
- (9) An order under subsection (7) or (8) may make provision generally or only in relation to proceedings of a specified kind or description (which in the case of an order under subsection (7) may, in particular, refer to specified provisions of the ^[F10]Equality Act 2010]) or in relation to specified circumstances.
- (10) This section is without prejudice to the effect of any restriction imposed, in respect of representation—
- (a) by virtue of an enactment (including an enactment in or under an Act of the Scottish Parliament), or
 - (b) in accordance with the practice of a court.
- (11) A legislative provision which requires insurance or an indemnity in respect of advice given in connection with a ^[F11]settlement agreement] shall not apply to advice provided by the Commission under this section.
- (12) ^[F12]This section applies] to a provision of ^[F13]EU] law which—
- (a) relates to discrimination on grounds of sex (including reassignment of gender), racial origin, ethnic origin, religion, belief, disability, age or sexual orientation, and

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(b) confers rights on individuals^[F14]as it applies to the Equality Act 2010.]

(13) In its application by virtue of subsection (12), subsection (1)(b) shall have effect as if referred to an allegation by an individual that he is disadvantaged by—

- (a) an enactment (including an enactment in or under an Act of the Scottish Parliament) which is contrary to a provision of ^[F13]EU law, or
- (b) a failure by the United Kingdom to implement a right as required by ^[F13]EU law.

Textual Amendments

- F1** Words in s. 28(1)(a) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(2)(a)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F2** Words in s. 28(1)(b) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(2)(b)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F3** Words in s. 28(5) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(3)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F4** Words in s. 28(6) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(4)(a)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F5** Words in s. 28(6) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(4)(b)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F6** Words in s. 28(7)(a) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(5)(a)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F7** Words in s. 28(7)(b) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(5)(b)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F8** Words in s. 28(8) substituted (18.8.2010) by Transfer of Functions (Equality) Order 2010 (S.I. 2010/1839), art. 1(2), **Sch. para. 7(2)(g)**
- F9** Words in s. 28(8) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(6)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F10** Words in s. 28(9) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(7)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F11** Words in s. 28(11) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(4), 103(3)**; S.I. 2013/1648, art. 2(c)
- F12** Words in s. 28(12) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(8)(a)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F13** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), **arts. 2, 3, 6** (with arts. 3(2)(3), 4(2), 6(4)(5))
- F14** Words in s. 28(12) added (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 72(8)(b)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vi) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

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