



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Enforcement powers

32 Public sector duties: compliance notice

- [^{F1}(1) This section applies where the Commission thinks that a person has failed to comply with a duty under or by virtue of section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty).]
- (2) The Commission may give the person a notice requiring him—
- to comply with the duty, and
 - to give the Commission, within the period of 28 days beginning with the date on which he receives the notice, written information of steps taken or proposed for the purpose of complying with the duty.
- (3) A notice under this section may require a person to give the Commission information required by the Commission for the purposes of assessing compliance with the duty; in which case the notice shall specify—
- the period within which the information is to be given (which shall begin with the date on which the notice is received and shall not exceed three months), and
 - the manner and form in which the information is to be given.
- (4) The Commission may not give a notice under this section in respect of a duty under [^{F2}section 149 of the Equality Act 2010] unless—
- the Commission has carried out an assessment under section 31 above, and
 - the notice relates to the results of the assessment.
- (5) A person who receives a notice under this section shall comply with it.

Status: Point in time view as at 05/04/2011. This version of this provision has been superseded.

Changes to legislation: Equality Act 2006, Section 32 is up to date with all changes known to be in force on or before 18 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)

- (6) But a notice under this section shall not oblige a person to give information—
- (a) that he is prohibited from disclosing by virtue of an enactment, or
 - (b) that he could not be compelled to give in proceedings before the High Court or the Court of Session.
- (7) Paragraphs 11 and 14 of Schedule 2 shall have effect (with any necessary modifications) in relation to a requirement imposed by a notice under this section as they have effect in relation to a requirement imposed by a notice under paragraph 9 of that Schedule.
- (8) If the Commission thinks that a person, to whom a notice under this section has been given, has failed to comply with a requirement of the notice, the Commission may apply to the court for an order requiring the person to comply.
- (9) In subsection (8) “the court” means—
- (a) where the notice related to a duty under ^[F3]section 149 of the Equality Act 2010], the High Court (in England and Wales) or (in Scotland) the Court of Session, and
 - (b) ^[F4]where the notice related to a duty by virtue of section 153 or 154 of that Act], a county court (in England and Wales) or the sheriff (in Scotland).
- (10) A notice under this section shall specify a time before which the Commission may not make an application under subsection (8) in respect of the notice.
- (11) Legal proceedings in relation to a duty by virtue of ^[F5]section 153 or 154 of the Equality Act 2010]—
- (a) may be brought by the Commission in accordance with subsection (8) above, and
 - (b) may not be brought in any other way.

Textual Amendments

- F1** S. 32(1) substituted (5.4.2011) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 74(2)** (with ss. 6(4), 205); S.I. 2011/1066, art. 2(g)(iii)
- F2** Words in s. 32(4) substituted (5.4.2011) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 74(3)** (with ss. 6(4), 205); S.I. 2011/1066, art. 2(g)(iii)
- F3** Words in s. 32(9)(a) substituted (5.4.2011) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 74(4)** (with ss. 6(4), 205); S.I. 2011/1066, art. 2(g)(iii)
- F4** Words in s. 32(9)(b) substituted (5.4.2011) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 74(5)** (with ss. 6(4), 205); S.I. 2011/1066, art. 2(g)(iii)
- F5** Words in s. 32(11) substituted (5.4.2011) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 74(6)** (with ss. 6(4), 205); S.I. 2011/1066, art. 2(g)(iii)

Modifications etc. (not altering text)

- C1** S. 32(8) applied (with modifications) (1.10.2007) by The Equality Act 2006 (Dissolution of Commissions and Consequential and Transitional Provisions) Order 2007 (S.I. 2007/2602), **art. 5(4)**

Status:

Point in time view as at 05/04/2011. This version of this provision has been superseded.

Changes to legislation:

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