



# Equality Act 2006

## 2006 CHAPTER 3

### PART 1

#### THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

##### *Miscellaneous*

#### **41 Transitional: the Commission**

- (1) If an order under section 93 provides for any of sections 1 to 3 and Schedule 1 to come into force (to any extent) at a time before any of sections 8 to 32 come into force (to any extent)—
  - (a) the period between that time and the commencement of any of sections 8 to 32 (to any extent) is the “transitional period” for the purposes of this section, and
  - (b) the following provisions of this section shall have effect.
- (2) During the transitional period the minimum number of Commissioners shall be five (and not as provided by paragraph 1 of Schedule 1).
- (3) The Secretary of State shall, as soon as is reasonably practicable after making the first appointments under that paragraph, appoint as additional members of the Commission (to be known as Transition Commissioners)—
  - (a) a commissioner of the Equal Opportunities Commission nominated by its chairman,
  - (b) a commissioner of the Commission for Racial Equality nominated by its chairman, and
  - (c) a commissioner of the Disability Rights Commission nominated by its chairman.
- (4) A person may nominate himself as a Transition Commissioner.
- (5) If a Transition Commissioner ceases to be a commissioner of the Commission whose chairman nominated him—
  - (a) he shall cease to be a Transition Commissioner,

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*Changes to legislation: Equality Act 2006, Section 41 is up to date with all changes known to be in force on or before 28 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) View outstanding changes*

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- (b) the chairman of that Commission shall nominate a replacement, and
  - (c) the Secretary of State shall appoint the nominated replacement.
- (6) A person shall hold appointment as a Transition Commissioner until a time specified by order of the Secretary of State (subject to subsection (5)); and the Secretary of State shall specify a time which in his opinion is not more than two years after the time when, by virtue of section 36, the Commission whose chairman nominated the Transition Commissioner—
  - (a) ceases to exist, or
  - (b) loses its principal functions.
- (7) In all other respects the provisions of this Part apply in relation to a Transition Commissioner as in relation to another Commissioner.

**Changes to legislation:**

Equality Act 2006, Section 41 is up to date with all changes known to be in force on or before 28 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(8) inserted by [2023 c. 51 s. 4\(2\)](#)
- s. 24A(1)(aa) inserted by [2023 c. 51 s. 4\(3\)](#)