



# Equality Act 2010

## 2010 CHAPTER 15

VALID FROM 01/04/2018

### PART 1

#### SOCIO-ECONOMIC INEQUALITIES

#### **1 Public sector duty regarding socio-economic inequalities**

(1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

(2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued [<sup>F1</sup>in accordance with subsection (2A)].

[<sup>F2</sup>(2A) The guidance to be taken into account under subsection (2) is—

- (a) in the case of a duty imposed on an authority in relation to devolved Scottish functions, guidance issued by the Scottish Ministers;
- (b) in any other case, guidance issued by a Minister of the Crown.]

(3) The authorities to which this section applies are—

- (a) a Minister of the Crown;
- (b) a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Head-quarters;
- (c) a county council or district council in England;
- (d) the Greater London Authority;
- (e) a London borough council;
- (f) the Common Council of the City of London in its capacity as a local authority;
- (g) the Council of the Isles of Scilly;

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- (h) [<sup>F3</sup>a Strategic Health Authority established under section 13 of the National Health Service Act 2006, or continued in existence by virtue of that section;]
- (i) [<sup>F4</sup>a Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section;]
- (j) [<sup>F5</sup>a regional development agency established by the Regional Development Agencies Act 1998;]
- (k) a [<sup>F6</sup>police and crime commissioner] established for an area in England.

<sup>F7</sup>(4) .....

<sup>F8</sup>(5) .....

- (6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration and Asylum Act 1999.

#### Textual Amendments

- F1** Words in s. 1(2) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 38(3)**, 72(7)
- F2** S. 1(2A) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 38(4)**, 72(7)
- F3** S. 1(3)(h) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 55(2), **Sch. 5 para. 181(a)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F4** S. 1(3)(i) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 55(2), **Sch. 5 para. 181(b)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F5** S. 1(3)(j) repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\)](#), s. 30(3), **Sch. 6**; S.I. 2012/1662, **art. 2(2)(b)**
- F6** Words in s. 1(3)(k) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 99, **Sch. 16 para. 381**; S.I. 2012/2892, **art. 2(a)(i)**
- F7** S. 1(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 100(2)(g)**, 115(3)(k)
- F8** S. 1(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 100(2)(g)**, 115(3)(k)

## 2 Power to amend section 1

- (1) A Minister of the Crown may by regulations amend section 1 so as to—
  - (a) add a public authority to the authorities that are subject to the duty under subsection (1) of that section;
  - (b) remove an authority from those that are subject to the duty;
  - (c) make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;
  - (d) in the case of an authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.
- (2) In subsection (1) “public authority” means an authority that has functions of a public nature.
- (3) Provision made under subsection (1) may not impose a duty on an authority in relation to any devolved Scottish functions or devolved Welsh functions.
- (4) The Scottish Ministers or the Welsh Ministers may by regulations amend section 1 so as to—

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- (a) add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;
  - (b) remove a relevant authority from those that are subject to the duty;
  - (c) make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;
  - (d) in the case of a relevant authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.
- (5) For the purposes of the power conferred by subsection (4) on the Scottish Ministers, “relevant authority” means an authority whose functions—
  - (a) are exercisable only in or as regards Scotland,
  - (b) are wholly or mainly devolved Scottish functions, and
  - (c) correspond or are similar to those of an authority for the time being specified in section 1(3).
- (6) For the purposes of the power conferred by subsection (4) on the Welsh Ministers, “relevant authority” means an authority whose functions—
  - (a) are exercisable only in or as regards Wales,
  - (b) are wholly or mainly devolved Welsh functions, and
  - (c) correspond or are similar to those of an authority for the time being specified in subsection (3) of section 1 or referred to in subsection (4) of that section.
- (7) Before making regulations under this section, <sup>F9</sup>... the Welsh Ministers must consult a Minister of the Crown.
- (8) Regulations under this section may make any amendments of section 1 that appear to the Minister or Ministers to be necessary or expedient in consequence of provision made under subsection (1) or (as the case may be) subsection (4).
- (9) Provision made by <sup>F9</sup>... the Welsh Ministers in reliance on subsection (8) may, in particular, amend section 1 so as to—
  - (a) confer on the Ministers a power to issue guidance;
  - (b) require a relevant authority to take into account any guidance issued under a power conferred by virtue of paragraph (a);
  - (c) disapply section 1(2) in consequence of the imposition of a requirement by virtue of paragraph (b).
- (10) Before issuing guidance under a power conferred by virtue of subsection (9)(a), [<sup>F10</sup>the Welsh Ministers] must—
  - (a) take into account any guidance issued by a Minister of the Crown under section 1;
  - (b) consult a Minister of the Crown.
- (11) For the purposes of this [<sup>F11</sup>Part]—
  - (a) a function is a devolved Scottish function if it is exercisable in or as regards Scotland and it does not relate to reserved matters (within the meaning of the Scotland Act 1998);
  - (b) a function is a devolved Welsh function if it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or to a matter within the legislative competence of the National Assembly for Wales.

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#### **Textual Amendments**

- F9** Words in s. 2(7)(9) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), ss. 38(6), 72(7)
- F10** Words in s. 2(10) substituted (23.5.2016) by Scotland Act 2016 (c. 11), ss. 38(7), 72(7)
- F11** Word in s. 2(11) substituted (23.5.2016) by Scotland Act 2016 (c. 11), ss. 38(8), 72(7)

### **3 Enforcement**

A failure in respect of a performance of a duty under section 1 does not confer a cause of action at private law.

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