



# Equality Act 2010

## 2010 CHAPTER 15

### 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;
- [ in the case of a duty imposed on an authority in relation to devolved Welsh
- <sup>F3</sup>(aa) functions, guidance issued by the Welsh Ministers;]
- (b) in any other case, guidance issued by a Minister of the Crown.]

[<sup>F4</sup>(3) The authorities to which this section applies are—

- (a) the Scottish Ministers;
- (b) Food Standards Scotland;
- (c) Keeper of the Registers of Scotland;
- (d) National Records of Scotland;
- (e) Revenue Scotland;
- (f) Scottish Courts and Tribunals Service;
- (g) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (h) an integration joint board established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014;

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- (i) a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978;
- (j) a Special Health Board constituted under section 2(1)(b) of that Act;
- (k) Scottish Police Authority;
- (l) Highlands and Islands Enterprise;
- (m) Scottish Enterprise.]

<sup>F9</sup>(4) .....

<sup>F10</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(2A)(aa) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 45\(2\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(i\)](#)
- F4** S. 1(3) substituted (S.) (1.4.2018) by [The Equality Act 2010 \(Authorities subject to the Socio-economic Inequality Duty\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/101\)](#), [regs. 1, 2\(2\)](#)
- F5** 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](#))
- F6** 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](#))
- F7** 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\(2\)\(b\)](#)
- F8** 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\(a\)\(i\)](#)
- F9** S. 1(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), [ss. 100\(2\)\(g\)](#), 115(3)(k)
- F10** S. 1(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), [ss. 100\(2\)\(g\)](#), 115(3)(k)

#### Commencement Information

- I1** [S. 1\(1\)-\(3\)\(6\)](#) in force at 1.4.2018 for S. by [S.S.I. 2017/403](#), [art. 2\(1\)\(a\)\(2\)](#) [Editorial note: [art. 2\(2\)](#) of the commencement order provides that, for the avoidance of doubt, [s. 1\(3\)](#) is commenced as originally enacted]

## 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.

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- (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—
- (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 [<sup>F11</sup>a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions 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.

<sup>F12</sup>(7) . . . . .

- (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).

<sup>F13</sup>(9) . . . . .

<sup>F14</sup>(10) . . . . .

- (11) For the purposes of this [<sup>F15</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);

<sup>F16</sup>(b) . . . . .

#### Textual Amendments

- F11** Words in s. 2(6) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 83(2)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)
- F12** S. 2(7) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)
- F13** S. 2(9) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)
- F14** S. 2(10) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)
- F15** Word in s. 2(11) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(8), 72(7)**

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**F16** S. 2(11)(b) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 83(3)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

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**Commencement Information**

**I2** S. 2 in force at 1.4.2018 for S. by S.I. 2017/403, **art. 2(1)(b)**

### 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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**Commencement Information**

**I3** S. 3 in force at 1.4.2018 for S. by S.I. 2017/403, **art. 2(1)(c)**

**Status:**

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