

Status: Point in time view as at 16/01/2012.

Changes to legislation: Equality Act 2010, SCHEDULE 26 is up to date with all changes known to be in force on or before 18 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)

SCHEDULES

SCHEDULE 26

Section 211

AMENDMENTS

[^{F1}PART 1

ACTS OF PARLIAMENT

Textual Amendments

- F1** Sch. 26: Pt. 1 heading and paras. 1-8 inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 2](#)

Disabled Persons (Employment) Act 1944

- 1 In section 15 of the Disabled Persons (Employment) Act 1944 (provision of employment for seriously disabled persons), in subsection (5A), for “the Disability Discrimination Act 1995” substitute “ the Equality Act 2010 ”.

Teaching Council (Scotland) Act 1965

- 2 In section 1(3) of the Teaching Council (Scotland) Act 1965, for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.

Employment and Training Act 1973

- 3 In section 12(1) of the Employment and Training Act 1973 (duty of Secretary of State to give preference to ex-service men and women when exercising power to select disabled persons for employment, training, etc.), for “has the same meaning as in the Disability Discrimination Act 1995” substitute “ has the same meaning as in the Equality Act 2010 ”.

Estate Agents Act 1979

- 4 The Estate Agents Act 1979 is amended as follows.
- 5 In section 5(3) (supplementary provisions about prohibition and warning orders)—
- (a) for “section 62 of the Sex Discrimination Act 1975, section 53 of the Race Relations Act 1976” substitute “ section 113 of the Equality Act 2010 (proceedings) ”; and
 - (b) omit “those Acts and”.
- 6 (1) Schedule 1 (provisions supplementary to section 3(1)) is amended as follows.

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(2) For paragraph 2 substitute—

“2 (1) A person commits discrimination for the purposes of section 3(1)(b) in the following cases only.

(2) The first case is where—

- (a) the person has been found to have contravened a relevant equality provision, and
- (b) no appeal against the finding is pending or can be brought.

(3) The second case is where—

- (a) the person has been given an unlawful act notice under section 21 of the Equality Act 2006,
- (b) the notice specifies a relevant equality provision as the provision by virtue of which the act in question is unlawful, and
- (c) no appeal against the giving of the notice is pending or can be brought.

(4) The third case is where—

- (a) the person is the subject of an injunction, interdict or order under section 24 of the Equality Act 2006 (unlawful acts), and
- (b) the unlawful act in question is a contravention of a relevant equality provision.

(5) The relevant equality provisions are—

- (a) Parts 3 and 4 of the Equality Act 2010 (services and premises) so far as relating to discrimination and victimisation, and
- (b) section 112 of that Act (aiding contraventions) in relation to either of those Parts of that Act so far as relating to discrimination and victimisation.”

(3) In paragraph 3 for “discrimination” substitute “ a contravention of a relevant equality provision ”.

(4) For paragraph 4 substitute—

“4 For the purposes of paragraphs 2 and 3 “discrimination” and “victimisation” have the same meaning as in the Equality Act 2010.”.

Civic Government (Scotland) Act 1982

7 (1) Section 20 of the Civic Government (Scotland) Act 1982 (regulations relating to taxis and private hire cars and their drivers) is amended as follows.

(2) In subsection (2A) for “section 1(2) of the Disability Discrimination Act 1995” substitute “ section 6 of the Equality Act 2010 ”.

(3) In subsection (2AA) for “section 1(2) of the Disability Discrimination Act 1995 (c.50)” substitute “ section 6 of the Equality Act 2010 ”.

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Housing (Scotland) Act 1987

- 8 In section 338(1) of the Housing (Scotland) Act 1987 (interpretation) in the definition of “disabled person” for “Disability Discrimination Act 1995 (c.50),” substitute “ Equality Act 2010, ”.]

Local Government Act 1988

- [^{F2}9] Part 2 of the Local Government Act 1988 (public supply or works contracts) is amended as follows.

Textual Amendments

- F2** Sch. 26 para. 1 renumbered (1.10.2010) as para. 9 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(a\)](#)

- [^{F3}10] In section 17 (local and other public authority contracts: exclusion of non-commercial considerations)—
- (a) omit subsection (9), and
 - (b) after that subsection insert—

“(10) This section does not prevent a public authority to which it applies from exercising any function regulated by this section with reference to a non-commercial matter to the extent that the authority considers it necessary or expedient to do so to enable or facilitate compliance with—

- (a) the duty imposed on it by section 149 of the Equality Act 2010 (public sector equality duty), or
- (b) any duty imposed on it by regulations under section 153 or 154 of that Act (powers to impose specific duties).”

Textual Amendments

- F3** Sch. 26 para. 2 renumbered (1.10.2010) as para. 10 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(a\)](#)

- [^{F4}11] Omit section 18 (exceptions to section 17 relating to race relations matters).

Textual Amendments

- F4** Sch. 26 para. 3 renumbered (1.10.2010) as para. 11 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(a\)](#)

- [^{F5}12] In section 19 (provisions supplementary to or consequential on section 17) omit subsection (10).

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Textual Amendments

- F5** Sch. 26 para. 4 renumbered (1.10.2010) as para. 12 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(a\)](#)

Employment Act 1989

[^{F6}13] The Employment Act 1989 is amended as follows.

Textual Amendments

- F6** Sch. 26 paras. 13, 14 inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 3](#)

14 In section 8 (exemption for discrimination in favour of lone parents in connection with training), in subsection (2), for the words from “for the purposes of the 1975 Act” to the end substitute “for the purposes of the Equality Act 2010 as giving rise to any contravention of Part 5 of that Act, so far as relating to marriage and civil partnership discrimination (within the meaning of that Act).]

Textual Amendments

- F6** Sch. 26 paras. 13, 14 inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 3](#)

[^{F7}15] (1) Section 12 ^{F8}. . . (Sikhs: requirements as to safety helmets) is amended as follows.

(2) In subsection (1), for “requirement or condition”, in the first three places, substitute “provision, criterion or practice”.

(3) In that subsection, for the words from “section 1(1)(b)” to the end substitute “section 19 of the Equality Act 2010 (indirect discrimination), the provision, criterion or practice is to be taken as one in relation to which the condition in subsection (2) (d) of that section (proportionate means of achieving a legitimate aim) is satisfied”.

(4) In subsection (2), for the words from “the Race Relations Act” to the end substitute “section 13 of the Equality Act 2010 as giving rise to discrimination against any other person”.

Textual Amendments

- F7** Sch. 26 para. 5 renumbered (1.10.2010) as para. 15 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(b\)](#)
- F8** Words in Sch. 26 para. 15 omitted (1.10.2010) by virtue of [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 4](#)

[^{F9}16] In section 28 (orders etc.), omit subsections (2), (3) and (4)(a).

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Textual Amendments

- F9** Sch. 26 paras. 16-60 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 5**

- 17 In section 29(1) (interpretation), omit the definition of “the 1975 Act”.

Textual Amendments

- F9** Sch. 26 paras. 16-60 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 5**

Local Government and Housing Act 1989

- 18 In section 7(2) of the Local Government and Housing Act 1989 (requirement for appointments to be on merit to be subject to discrimination law)—
- (a) omit paragraphs (c), (d) and (f), and
 - (b) at the end insert—
 - “(g) sections 39, 40 and 49 to 51 of the Equality Act 2010 (employees and office-holders), so far as relating to disability, and Schedule 8 to that Act (reasonable adjustments for disabled persons) so far as it applies in relation to sections 39 and 49 to 51 of that Act;
 - (h) paragraph 1 of Schedule 9 to that Act (occupational requirements), so far as relating to sex, pregnancy and maternity, marriage and civil partnership, gender reassignment or race.”.

Enterprise and New Towns (Scotland) Act 1990

- 19 The Enterprise and New Towns (Scotland) Act 1990 is amended as follows.
- 20 In section 2(4)(a) (functions in relation to training for employment etc.) for “section 3(1) of the Race Relations Act 1976” substitute “ section 9 of the Equality Act 2010 ”.
- 21 In section 16(2) (courses of training etc.: duty to give preference to certain categories) for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.
- 22 For section 17 (encouragement of women, members of minority racial groups and disabled persons to take advantage of opportunities for certain work etc) substitute—

“Encouragement of women, members of ethnic minorities and disabled persons to take up certain employment opportunities and training

- (1) Scottish Enterprise and Highlands and Islands Enterprise shall each, in exercising its functions, promote such actings by any employer as are lawful by virtue of section 158 of the Equality Act 2010 (the “2010 Act”) (positive action: general) in relation to—
- (a) affording access to facilities for training, and

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(b) encouraging persons to take advantage of opportunities for taking up that employer's work.

(2) This section applies to the protected characteristics of sex, race and disability within the meaning of the 2010 Act.

(3) This section is without prejudice to paragraph (a) of section 2(4) of this Act or to any provision of the 2010 Act prohibiting discrimination within the meaning of that Act.”.

Further and Higher Education Act 1992

23 In section 62(7B) of the Further and Higher Education Act 1992 (higher education funding councils) for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.

Trade Union and Labour Relations (Consolidation) Act 1992

24 (1) Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992 (tribunal jurisdictions where failure by employer or employee to comply with applicable code of practice may affect the level of damages) is amended as follows.

(2) Omit the entries relating to—

- (a) the Equal Pay Act 1970;
- (b) the Sex Discrimination Act 1975;
- (c) the Race Relations Act 1976;
- (d) the Disability Discrimination Act 1995;
- (e) the Employment Equality (Sexual Orientation) Regulations 2003;
- (f) the Employment Equality (Religion or Belief) Regulations 2003;
- (g) the Employment Equality (Age) Regulations 2006.

(3) At the end of the entries relating to provisions of Acts, insert—

“Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”

Trade Union Reform and Employment Rights Act 1993

25 In section 39(2) of the Trade Union Reform and Employment Rights Act 1993 (agreements not to take proceedings before employment tribunal) omit “the Sex Discrimination Act 1975, the Race Relations Act 1976, and”.

26 In Schedule 6 (compromise contracts) omit paragraphs 1 and 2.

Employment Tribunals Act 1996

27 The Employment Tribunals Act 1996 is amended as follows.

28 In section 5(2)(c) (remuneration, fees and allowances) for “2A(1)(b) of the Equal Pay Act 1970” substitute “ 131(2) of the Equality Act 2010 ”.

29 In section 7(3)(h) (employment tribunal procedure regulations) for “2A(1)(b) of the Equal Pay Act 1970” substitute “ 131(2) of the Equality Act 2010 ”.

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- 30 In section 12(1) (restriction of publicity in disability cases) for “section 17A or 25(8) of the Disability Discrimination Act 1995” substitute “ section 120 of the Equality Act 2010, where the complaint relates to disability ”.
- 31 In section 18(1) (tribunal proceedings to which conciliation provisions apply)—
- (a) for paragraph (a) substitute—
- “(a) under section 120 or 127 of the Equality Act 2010,”, and
- (b) omit paragraphs (c), (k), (l) and (r).
- 32 In section 21(1) (Jurisdiction of appeal tribunal)—
- (a) omit paragraphs (a), (b), (c), (e),(l), (m) and (s); and
- (b) at the end of the entries relating to provisions in Acts, insert—
- “(ge) the Equality Act 2010.”.

Employment Rights Act 1996

- 33 (1) Section 126 of the Employment Rights Act 1996 (acts which are both unfair dismissal and discrimination) is amended as follows.
- (2) In subsection (1) for paragraph (b) substitute—
- “(b) the Equality Act 2010.”.
- (3) In subsection (2)—
- (a) for “any one of those Acts or Regulations” substitute “ either of those Acts ”, and
- (b) for “any other of them” substitute “ the other ”.

Housing Grants, Construction and Regeneration Act 1996

- 34 In section 126 of the Housing Grants, Construction and Regeneration Act 1996 (Secretary of State's power to give financial assistance etc), in subsection (3), in the definition of “racial group”, for “the Race Relations Act 1976” substitute “ section 9 of the Equality Act 2010 ”.

Education Act 1996

- 35 The Education Act 1996 is amended as follows.
- 36 (1) Section 317 of the Education Act 1996 (duties of governing bodies etc in relation to pupils with special educational needs) is amended as follows.
- (2) In subsection (6)(b)(iv) for “section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”)” substitute “ paragraph 3 of Schedule 10 to the Equality Act 2010 (“the 2010 Act”) ”.
- (3) For subsection (6A) substitute—
- “(6A) In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.”.

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- 37 In section 336(4A) (tribunal procedure) for “claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995” substitute “claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability.”.
- 38 In section 509AC(5)(interpretation etc), in the definition of “disabled person”, for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.
- 39 Omit section 583(5) (commencement etc: transitory provision relating to the Disability Discrimination Act 1995).
- 40 In Schedule 35B (meaning of eligible child etc), paragraph 15(4), for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.
- 41 In Schedule 35C (school travel schemes), paragraph 14, in the definition of “disabled child”, for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.
- 42 (1) In Schedule 36A (education functions of local authorities) the table is amended as follows.
- (2) Omit the entries relating to the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.
- (3) Insert at the end—

“Equality Act 2010 (c. 15)

Section 29(7) in its application to a local authority's functions under the Education Acts Duty to make reasonable adjustments for disabled persons.

Section 85(6) Duty (as responsible body) to make reasonable adjustments for disabled pupils.

Section 92(6) Duty (as responsible body) to make reasonable adjustments for disabled persons in further and higher education.

Section 93(6) Duty (as responsible body) to make reasonable adjustments for disabled persons in the provision of recreational or training facilities.

paragraph 1 of Schedule 10 Duty to prepare and implement accessibility strategy.

paragraph 3 of Schedule 10 Duty (as responsible body) to prepare and implement an accessibility plan.”

Teaching and Higher Education Act 1998

- 43 In section 1(4) of the Teaching and Higher Education Act 1998 (the General Teaching Council for England) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

School Standards and Framework Act 1998

- 44 The School Standards and Framework Act 1998 is amended as follows.
- 45 In Schedule 5, in paragraph 6 (adjudicators, procedure) for subparagraphs (a) to (c) substitute—

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- “(a) section 71 of the Race Relations Act 1976, or
(b) Parts 3 and 6 of the Equality Act 2010.”.
- 46 (1) In Schedule 6, Part 5 (procedures for making transitional exemption orders in Wales) paragraph 22(4) is amended as follows.
- (2) For the definition of “the 1975 Act” substitute—
- ““the 2010 Act” means the Equality Act 2010.”.
- (3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “ section 85 of the 2010 Act ”.
- (4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.
- (5) For “section 27(1) of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.
- 47 (1) In Schedule 7, in Part 6 (transitional exemption orders, interpretation) paragraph 16(6) is amended as follows.
- (2) For the definition of the 1975 Act substitute—
- ““the 2010 Act” means the Equality Act 2010,”
- (3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “ section 85 of the 2010 Act ”.
- (4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.
- (5) For “section 27(1) of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.

Transport Act 2000

- 48 In section 112(2) of the Transport Act 2000 (plans and strategies: supplementary) for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.

Employment Act 2002

- 49 (1) Schedule 5 to the Employment Act 2002 (tribunal jurisdiction) is amended as follows.
- (2) Omit the entries relating to—
- (a) the Equal Pay Act 1970;
 - (b) the Sex Discrimination Act 1975;
 - (c) the Race Relations Act 1976;
 - (d) the Disability Discrimination Act 1995;
 - (e) the Employment Equality (Sexual Orientation) Regulations 2003;
 - (f) the Employment Equality (Religion or Belief) Regulations 2003;
 - (g) the Employment Equality (Age) Regulations 2006.
- (3) At the end of the entries relating to provisions of Acts, insert—
- “Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”.

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Income Tax (Earnings and Pensions) Act 2003

- 50 The Income Tax (Earnings and Pensions) Act 2003 is amended as follows.
- 51 In section 439(4) (chargeable events) after “within the meaning of” insert “ the Equality Act 2010 in England and Wales and Scotland, or ”.
- 52 In section 477(5) (chargeable events) after “within the meaning of” insert “ the Equality Act 2010 in England and Wales and Scotland, or ”.

Communications Act 2003

- 53 The Communications Act 2003 is amended as follows.
- 54 In section 27(5) (training and equality of opportunity)—
- (a) in the definition of “disabled” after “meaning as in” insert “ the Equality Act 2010 or, in Northern Ireland, ”, and
 - (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “ Equality Act 2010 ”.
- 55 In section 337(9) (promotion of equal opportunities and training)—
- (a) in the definition of “disabled” after “meaning as in” insert “ the Equality Act 2010 or, in Northern Ireland, ”, and
 - (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “ Equality Act 2010 ”.
- 56 In Schedule 12, in paragraph 23(6) (obligations of the Welsh Authority in relation to equality of opportunity)—
- (a) in the definition of “disability” after “meaning as in” insert “ the Equality Act 2010 or, in Northern Ireland, ”, and
 - (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “ the Equality Act 2010 ”.

Finance Act 2004

- 57 The Finance Act 2004 is amended as follows.
- 58 In section 172A(5)(db) (surrender of pension benefits etc) for—
- (a) “the Employment Equality (Age) Regulations 2006 or” substitute “ Part 5 of the Equality Act 2010, so far as relating to age, or the ”, and
 - (b) for “them” substitute “ those Regulations. ”.
- 59 In paragraphs 11D(2A) and (2B)(b), 12(2C)(d) and 14(3A) and (3D)(a) of Schedule 36 (pension schemes etc: transitional provisions and savings)—
- (a) for “the Employment Equality (Age) Regulations 2006, or” substitute “ Part 5 of the Equality Act 2010, so far as relating to age, or the ”, and
 - (b) for “them” substitute “ those Regulations. ”.

Serious Organised Crime and Police Act 2005

- 60 Section 56 of the Serious Organised Crime and Police Act 2005 (the title to which becomes “Application of discrimination legislation to SOCA seconded staff: Northern Ireland”) is amended as follows—
- (a) in subsection (2), omit paragraphs (a) and (b); and

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- (b) in subsection (4), omit paragraphs (a), (b), (g) and (h) and the “and” preceding each of paragraphs (g) and (h).]

Equality Act 2006

[^{F10}61] The Equality Act 2006 is amended as follows.

Textual Amendments

F10 Sch. 26 para. 6 renumbered (1.10.2010) as para. 61 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F11}62](1) Section 8 (equality and diversity) is amended as follows.

- (2) In subsection (1)—
- (a) in paragraph (d) for “equality enactments” substitute “ Equality Act 2010 ”, and
- (b) in paragraph (e) for “the equality enactments” substitute “ that Act ”.
- (3) In subsection (4) for “Disability Discrimination Act 1995 (c. 50)” substitute “ Equality Act 2010 ”.

Textual Amendments

F11 Sch. 26 para. 7 renumbered (1.10.2010) as para. 62 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F12}63] In section 10(2) (meaning of group) for paragraph (d) substitute—

“(d) gender reassignment (within the meaning of section 7 of the Equality Act 2010).”.

Textual Amendments

F12 Sch. 26 para. 8 renumbered (1.10.2010) as para. 63 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F13}64] For section 11(3)(c) (interpretation) substitute—

“(c) a reference to the equality and human rights enactments is a reference to the Human Rights Act 1998, this Act and the Equality Act 2010.”

Textual Amendments

F13 Sch. 26 para. 9 renumbered (1.10.2010) as para. 64 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F14}65](1) Section 14 (codes of practice) is amended as follows.

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(2) For subsection (1) substitute—

“(1) The Commission may issue a code of practice in connection with any matter addressed by the Equality Act 2010.”

(3) In subsection (2)(a) for “a provision or enactment listed in subsection (1)” substitute “the Equality Act 2010 or an enactment made under that Act”.

(4) In subsection (3)—

(a) in paragraph (a) for “section 49G(7) of the Disability Discrimination Act 1995 (c. 50)” substitute “section 190(7) of the Equality Act 2010”, and

(b) for paragraph (c)(iv) substitute—

“(iv) section 190 of the Equality Act 2010.”

(5) In subsection (5)(a) for “listed in subsection (1)” substitute “a matter addressed by the Equality Act 2010”.

(6) In subsection (9) for “section 76A” to “duties)” substitute “section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty)”.

Textual Amendments

F14 Sch. 26 para. 10 renumbered (1.10.2010) as para. 65 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F15}66] In section 16(4) (inquiries: matters which the Commission may consider and report on) for “equality enactments” substitute “Equality Act 2010”.

Textual Amendments

F15 Sch. 26 para. 11 renumbered (1.10.2010) as para. 66 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F16}67] In section 21(2)(b) (unlawful act notice: specification of legislative provision) for “equality enactments” substitute “Equality Act 2010”.

Textual Amendments

F16 Sch. 26 para. 12 renumbered (1.10.2010) as para. 67 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F17}68] After section 24 insert—

“24A Enforcement powers: supplemental

(1) This section has effect in relation to—

(a) an act which is unlawful because, by virtue of any of sections 13 to 18 of the Equality Act 2010, it amounts to a contravention of any of Parts 3, 4, 5, 6 or 7 of that Act,

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- (b) an act which is unlawful because it amounts to a contravention of section 60(1) of that Act (or to a contravention of section 111 or 112 of that Act that relates to a contravention of section 60(1) of that Act) (enquiries about disability and health),
 - (c) an act which is unlawful because it amounts to a contravention of section 106 of that Act (information about diversity in range of election candidates etc.),
 - (d) an act which is unlawful because, by virtue of section 108(1) of that Act, it amounts to a contravention of any of Parts 3, 4, 5, 6 or 7 of that Act, or
 - (e) the application of a provision, criterion or practice which, by virtue of section 19 of that Act, amounts to a contravention of that Act.
- (2) For the purposes of sections 20 to 24 of this Act, it is immaterial whether the Commission knows or suspects that a person has been or may be affected by the unlawful act or application.
- (3) For those purposes, an unlawful act includes making arrangements to act in a particular way which would, if applied to an individual, amount to a contravention mentioned in subsection (1)(a).
- (4) Nothing in this Act affects the entitlement of a person to bring proceedings under the Equality Act 2010 in respect of a contravention mentioned in subsection (1).”

Textual Amendments

F17 Sch. 26 para. 13 renumbered (1.10.2010) as para. 68 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F18}69] Omit section 25 (restraint of unlawful advertising etc.).

Textual Amendments

F18 Sch. 26 para. 14 renumbered (1.10.2010) as para. 69 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F19}70] Omit section 26 (supplemental).

Textual Amendments

F19 Sch. 26 para. 15 renumbered (1.10.2010) as para. 70 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F20}71](1) Section 27 (conciliation) is amended as follows.

- (2) For subsection (1) (disputes in relation to which the Commission may make arrangements for the provision of conciliation services) substitute—

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“(1) The Commission may make arrangements for the provision of conciliation services for disputes in respect of which proceedings have been or could be determined by virtue of section 114 of the Equality Act 2010.”

Textual Amendments

F20 Sch. 26 para. 16 renumbered (1.10.2010) as para. 71 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F21}72](1) Section 28 (legal assistance) is amended as follows.

- (2) In subsection (1)—
 - (a) in paragraph (a) for “equality enactments” substitute “ Equality Act 2010 ”, and
 - (b) in paragraph (b) for “the equality enactments” substitute “ that Act ”.
- (3) In subsection (5) for “Part V of the Disability Discrimination Act 1995 (c. 50) (public)” substitute “ Part 12 of the Equality Act 2010 (disabled persons: ”.
- (4) In subsection (6)—
 - (a) for “the equality enactments”, on the first occasion it appears, substitute “ the Equality Act 2010 ”, and
 - (b) for “the equality enactments”, on each other occasion it appears, substitute “ that Act ”.
- (5) In subsection (7)—
 - (a) in paragraph (a) for “equality enactments” substitute “ Equality Act 2010 ”, and
 - (b) in paragraph (b) for “the equality enactments” substitute “ that Act ”.
- (6) In subsection (8) for “Part V of the Disability Discrimination Act 1995 (c. 50)” substitute “ Part 12 of the Equality Act 2010 ”.
- (7) In subsection (9) for “equality enactments” substitute “ Equality Act 2010 ”.
- (8) In subsection (12)—
 - (a) for “A reference in” to “includes a reference” substitute “ This section applies ”, and
 - (b) after paragraph (b) add “ as it applies to the Equality Act 2010. ”

Textual Amendments

F21 Sch. 26 para. 17 renumbered (1.10.2010) as para. 72 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

73 For section 31(1) (duties in respect of which Commission may assess compliance) substitute—

“(1) The Commission may assess the extent to which or the manner in which a person has complied with a duty under or by virtue of section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty).”

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- 74 (1) Section 32 (public sector duties: compliance notice) is amended as follows.
- (2) For subsection (1) substitute—
- “(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).”
- (3) In subsection (4) for “section 76A” to “Disability Discrimination Act 1995” substitute “ section 149 of the Equality Act 2010 ”.
- (4) In subsection (9)(a) for “section 76A” to “Disability Discrimination Act 1995 (c. 50)” substitute “ section 149 of the Equality Act 2010 ”.
- (5) In subsection (9)(b) for “in any other case” substitute “ where the notice related to a duty by virtue of section 153 or 154 of that Act ”.
- (6) In subsection (11) for “section 76B” to “Disability Discrimination Act 1995” substitute “ section 153 or 154 of the Equality Act 2010 ”.
- [^{F24}75] Omit section 33 (equality and human rights enactments).

Textual Amendments

F24 Sch. 26 para. 20 renumbered (1.10.2010) as para. 75 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

- [^{F25}76](1) Section 34 (meaning of unlawful) is amended as follows.
- (2) In subsection (1) for “equality enactments” substitute “ Equality Act 2010 ”.
- (3) In subsection (2)—
- (a) after “virtue of” insert “ any of the following provisions of the Equality Act 2010 ”, and
- (b) for paragraphs (a) to (c) substitute—
- “(a) section 1 (public sector duty regarding socio-economic inequalities),
- (b) section 149, 153 or 154 (public sector equality duty),
- (c) Part 12 (disabled persons: transport), or
- (d) section 190 (disability: improvements to let dwelling houses).”

Textual Amendments

F25 Sch. 26 para. 21 renumbered (1.10.2010) as para. 76 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

- [^{F26}77](1) Section 35 (general: definitions) is amended as follows.
- (2) In the definition of “religion or belief”, for “Part 2 (as defined by section 44)” substitute “ section 10 of the Equality Act 2010 ”.
- (3) For the definition of “sexual orientation” substitute—

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““sexual orientation” has the same meaning as in section 12 of the Equality Act 2010.”

Textual Amendments

F26 Sch. 26 para. 22 renumbered (1.10.2010) as para. 77 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F27}78] In section 39(4) (orders subject to affirmative resolution procedure) for “, 27(10) or 33(3)” substitute “ or 27(10) ”.

Textual Amendments

F27 Sch. 26 para. 23 renumbered (1.10.2010) as para. 78 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F28}79] Omit section 43 (transitional: rented housing in Scotland).

Textual Amendments

F28 Sch. 26 para. 24 renumbered (1.10.2010) as para. 79 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F29}80] Omit Part 2 (discrimination on grounds of religion or belief).

Textual Amendments

F29 Sch. 26 para. 25 renumbered (1.10.2010) as para. 80 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F30}81] Omit section 81 (regulations).

Textual Amendments

F30 Sch. 26 para. 26 renumbered (1.10.2010) as para. 81 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F31}82] Omit Part 4 (public functions).

Textual Amendments

F31 Sch. 26 para. 27 renumbered (1.10.2010) as para. 82 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

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- [^{F32}83] In section 94(3) (extent: Northern Ireland)—
- (a) omit “and 41 to 56”, and
 - (b) omit “and the Disability Discrimination Act 1995 (c. 50)”.

Textual Amendments

F32 Sch. 26 para. 28 renumbered (1.10.2010) as para. 83 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

- [^{F33}84](1) Schedule 1 (the Commission: constitution, etc.) is amended as follows.
- (2) In paragraph 52(3)(a) for “Parts 1, 3, 4, 5 and 5B of the Disability Discrimination Act 1995 (c. 50)” substitute “ Parts 2, 3, 4, 6, 7, 12 and 13 of the Equality Act 2010, in so far as they relate to disability ”.
 - (3) In paragraph 53 for “Part 2 of the Disability Discrimination Act 1995 (c. 50)” substitute “ Part 5 of the Equality Act 2010 ”.
 - (4) In paragraph 54 for “Part 2 of the Disability Discrimination Act 1995” substitute “ Part 5 of the Equality Act 2010 ”.

Textual Amendments

F33 Sch. 26 para. 29 renumbered (1.10.2010) as para. 84 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

- [^{F34}85] In Schedule 3 (consequential amendments), omit paragraphs 6 to 35 and 41 to 56.

Textual Amendments

F34 Sch. 26 para. 30 renumbered (1.10.2010) as para. 85 by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 1\(c\)](#)

[^{F35}Immigration, Asylum and Nationality Act 2006

Textual Amendments

F35 Sch. 26 paras. 86-100 inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 6](#)

- 86 In section 23(1)(a) of the Immigration Asylum and Nationality Act 2006 (discrimination: code of practice) for “the Race Relations Act 1976 (c. 74)” substitute “ the Equality Act 2010, so far as relating to race ”.

Childcare Act 2006

- 87 The Childcare Act 2006 is amended as follows.

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- 88 In section 6(6) (duty to secure sufficient childcare for working parents) in the definition of “disabled child” for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.
- 89 In section 12(8) (duty to provide information, advice and assistance) for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.
- 90 In section 22(6) (duty to secure sufficient childcare for working parents (Wales)) in the definition of “disabled child” for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.
- 91 In section 27(8) (duty to provide information, advice and assistance (Wales)) for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.

Education and Inspections Act 2006

- 92 The Education and Inspections Act 2006 is amended as follows.
- 93 In section 21(5) (proposals under section 19: procedure) for “section 27 of the Sex Discrimination Act 1975 (c. 65) (exception for single-sex establishments turning co-educational)” substitute “ paragraphs 3 and 4 of Schedule 11 to the Equality Act 2010 (single-sex schools turning co-educational) ”.
- 94 In section 91(7) (enforcement of disciplinary penalties) for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.

Finance Act 2007

- 95 In paragraph 7(7) of Schedule 18 to the Finance Act 2007 (pension schemes: abolition of relief for life insurance premium contributions etc)—
- (a) for “Employment Equality (Age) Regulations 2006 (SI 2006/1031)” substitute “ Equality Act 2010, so far as relating to age, ”, and
 - (b) for “them” substitute “ those Regulations ”.

UK Borders Act 2007

- 96 In section 48(2)(f) of the UK Borders Act 2007 (recommendations by Chief Inspector of UK Border Agency) for “section 19D of the Race Relations Act 1976 (c.74)” substitute “ paragraph 17 of Schedule 3 to the Equality Act 2010 ”.

Regulatory Enforcement and Sanctions Act 2008

- 97 The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.
- 98 Insert after section 38(2) (meaning of “relevant offence”)—
- “(3) The entry in Schedule 6 for Part 5 of the Disability Discrimination Act 1995 is, in relation to England and Wales and Scotland, to be read as a reference to Part 12 of the Equality Act 2010.”
- 99 In Schedule 3 (enactments specified for the purposes of the Part relating to LBRO) omit “Disability Discrimination Act 1995 (c. 50)”.

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Apprenticeships, Skills, Children and Learning Act 2009

- 100 In section 218(3)(b) of the Apprenticeships, Skills, Children and Learning Act 2009 (arrangements etc to be made by Commission) for “section 1(1) of the Disability Discrimination Act 1995 (c.50)” substitute “ section 6 of the Equality Act 2010 ”.]

[^{F36}PART 2

ACTS OF THE SCOTTISH PARLIAMENT]

Textual Amendments

- F36** Sch. 26 Pt. 2 (paras. 101-107) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), 12, [Sch. 1 para. 6](#)

[^{F36}Education (Disability Strategies and Pupils' Educational Records)(Scotland) Act 2002

- 101 In section 6 of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (interpretation) in the definition of “pupil with a disability” for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.

Freedom of Information (Scotland) Act 2002

- 102 The Freedom of Information (Scotland) Act 2002 is amended as follows.
- 103 In section 11(5) (means of providing information) for “provider of services has under or by virtue of section 21 of the Disability Discrimination Act 1995 (c. 50)” substitute “ person has under or by virtue of section 29 of the Equality Act 2010 (provision of services etc) ”.
- 104 In section 12(6) (excessive cost of compliance) for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.

Dog Fouling (Scotland) Act 2003

- 105 In section 16 of the Dog Fouling (Scotland) Act 2003 (interpretation) in the definition of “disabled person” for “section 1 of the Disability Discrimination Act 1995 (c.50)” substitute “ section 6 of the Equality Act 2010 ”.

Education (Additional Support for Learning) (Scotland) Act 2004

- 106 Paragraph 3(1)(e) of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 (exclusion to duty to comply with placing requests) is amended as follows—
- (a) for “section 26 of the Sex Discrimination Act 1975 (c.65))” substitute “ paragraph 1(2) of Part 1 of Schedule 11 to the Equality Act 2010 ”, and
 - (b) for “section”, where it occurs for the second time, substitute, “ paragraph ”.

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Housing (Scotland) Act 2006

- 106A In section 194(1) of the Housing (Scotland) Act 2006 (interpretation), in the definition of “disabled person”, for “Disability Discrimination Act 1995 (c. 50)” substitute Equality Act 2010.]

Education (Additional Support for Learning) (Scotland) Act 2009

- 107 In section 9 of the Education (Additional Support for Learning) (Scotland) Act 2009 (functions of education authority in relation to certain pre-school children etc), in the amendment to section 5(3)(c) of the Education (Additional Support for Learning) (Scotland) Act 2004, for “Disability Discrimination Act 1995 (c.50)” substitute “ Equality Act 2010 ”.]

Status:

Point in time view as at 16/01/2012.

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