

*Status: Point in time view as at 01/04/2023.*

*Changes to legislation: Equality Act 2010, Cross Heading: Age is up to date with all changes known to be in force on or before 03 June 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 3

#### SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

#### PART 4

#### IMMIGRATION

#### *[<sup>F1</sup>Age*

#### Textual Amendments

- F1** Sch. 3 para. 15A and cross-heading inserted (1.10.2012) by [The Equality Act 2010 \(Age Exceptions\) Order 2012 \(S.I. 2012/2466\)](#), [art. 2](#)

- 15A (1) This paragraph applies in relation to age discrimination.
- (2) Section 29 does not apply to anything done by a relevant person in the exercise of [<sup>F2</sup>relevant functions].
- (3) A relevant person is —
- (a) a Minister of the Crown acting personally, or
  - (b) a person acting in accordance with a relevant authorisation.
- (4) A relevant authorisation is a requirement imposed or express authorisation given—
- (a) with respect to a particular case or class of case, [<sup>F3</sup>by or under anything mentioned in sub-paragraph (5)(a) to (c)];
  - (b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.
- (5) [<sup>F4</sup>“Relevant functions” means functions exercisable by virtue of ] —
- (a) the Immigration Acts,
  - (b) the Special Immigration Appeals Commission Act 1997, [<sup>F5</sup>or]
  - (c) [<sup>F6</sup>anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and] relates to immigration or asylum. <sup>F7</sup>...
  - <sup>F7</sup>(d) .....
- (6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—
- (a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc. ), or

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- (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (power of arrest). ]

#### Textual Amendments

- F2** Words in Sch. 3 para. 15A(2) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 3 para. 15A(4)(b) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 3 para. 15A(5) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Sch. 3 para. 15A(5)(b) inserted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. 3 para. 15A(5)(c) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Sch. 3 para. 15A(5)(d) and word omitted (31.12.2020) by virtue of [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, **5(7)(a)(iii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)

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