



Equality Act 2010

2010 CHAPTER 15

PART 1

SOCIO-ECONOMIC INEQUALITIES

VALID FROM 01/04/2018

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—
 - (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.

Status: Point in time view as at 06/04/2011. This version of this provision is not valid for this point in time.

Changes to legislation: Equality Act 2010, Section 2 is up to date with all changes known to be in force on or before 02 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)

- (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, ^{F1}... 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 ^{F1}... 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), ^{F2}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 ^{F3}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.

Textual Amendments

F1 Words in s. 2(7)(9) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), ss. 38(6), 72(7)

F2 Words in s. 2(10) substituted (23.5.2016) by Scotland Act 2016 (c. 11), ss. 38(7), 72(7)

F3 Word in s. 2(11) substituted (23.5.2016) by Scotland Act 2016 (c. 11), ss. 38(8), 72(7)

Status:

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