



Equality Act 2010

2010 CHAPTER 15

PART 1

SOCIO-ECONOMIC INEQUALITIES

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.
- (5) For the purposes of the power conferred by subsection (4) on the Scottish Ministers, “relevant authority” means an authority whose functions—

Status: This is the original version (as it was originally enacted).

- (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, the Scottish Ministers or 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 the Scottish Ministers or 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), the 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 section—
- (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.