



# Equality Act 2010

## 2010 CHAPTER 15

### PART 16

#### GENERAL AND MISCELLANEOUS

##### *Subordinate legislation*

#### **209 The Welsh Ministers**

- (1) This section applies where the power to make an order or regulations under this Act is exercisable by the Welsh Ministers.
- (2) A statutory instrument containing (whether alone or with other provision) an order or regulations mentioned in subsection (3) is subject to the affirmative procedure.
- (3) The orders and regulations referred to in subsection (2) are—
  - (a) regulations under section 2 (socio-economic inequalities);
  - (b) an order under section 151 (power to amend list of public authorities for the purposes of the public sector equality duty);
  - (c) regulations under section 153 or 154(2) (public sector equality duty: powers to impose specific duties);
  - (d) regulations under section 155(5) that amend an Act of Parliament or an Act or Measure of the National Assembly for Wales (public sector equality duty: power to modify or remove specific duties).
- (4) But a statutory instrument is not subject to the affirmative procedure by virtue of subsection (2) merely because it contains an order under section 151 that provides for—
  - (a) the omission of an entry where the authority concerned has ceased to exist, or
  - (b) the variation of an entry where the authority concerned has changed its name.
- (5) A statutory instrument that is not subject to the affirmative procedure by virtue of subsection (2) is subject to the negative procedure.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If a statutory instrument is subject to the affirmative procedure, the order or regulations contained in it must not be made unless a draft of the instrument is laid before and approved by a resolution of the National Assembly for Wales.
- (7) If a statutory instrument is subject to the negative procedure, it is subject to annulment in pursuance of a resolution of the National Assembly for Wales.