

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Socio-Economic Inequalities

Section 3: Enforcement

Effect

32. This section ensures that individuals have no recourse to private law because of a failure by a public body to comply with the duty imposed by section 1. This means that individuals are not able to claim damages for breach of statutory duty for a breach of this duty. However, this section does not prevent an individual from bringing judicial review proceedings against a public body which is covered by the duty, if he or she believes the public body has not considered socio-economic disadvantage when taking decisions of a strategic nature.

Background

33. This is a new provision.

Example

- An individual feels that the socio-economic disadvantages he faces should entitle him to a flat in a new social housing development, ahead of those whom he judges to be less disadvantaged. However, there is no provision in this Act for him to bring a case against the local council or other public body in such circumstances.