



Equality Act 2010

2010 CHAPTER 15

PART 1

SOCIO-ECONOMIC INEQUALITIES

1 Public sector duty regarding socio-economic inequalities

- (1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.
- (2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued [^{F1}in accordance with subsection (2A)].

[^{F2}(2A) The guidance to be taken into account under subsection (2) is—

- (a) in the case of a duty imposed on an authority in relation to devolved Scottish functions, guidance issued by the Scottish Ministers;
- [in the case of a duty imposed on an authority in relation to devolved Welsh
- ^{F3}(aa) functions, guidance issued by the Welsh Ministers;]
- (b) in any other case, guidance issued by a Minister of the Crown.]

[^{F4}(3) The authorities to which this section applies are—

- (a) the Scottish Ministers;
- (b) Food Standards Scotland;
- (c) Keeper of the Registers of Scotland;
- (d) National Records of Scotland;
- (e) Revenue Scotland;
- (f) Scottish Courts and Tribunals Service;
- (g) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (h) an integration joint board established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014;

Changes to legislation: Equality Act 2010, Part 1 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

- (i) a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978;
- (j) a Special Health Board constituted under section 2(1)(b) of that Act;
- (k) Scottish Police Authority;
- (l) Highlands and Islands Enterprise;
- (m) Scottish Enterprise.]
- [^{F10}(n) Scottish National Investment Bank p.l.c.;
- (o) South of Scotland Enterprise.]

[^{F11}(3A) This section also applies to the following authorities—

- (a) the Welsh Ministers;
- (b) a county council or county borough council in Wales;
- (c) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- (d) an NHS Trust established under section 18 of the National Health Service (Wales) Act 2006;
- (e) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 other than a cross-border Special Health Authority (within the meaning of section 8A(5) of the National Health Service (Wales) Act 2006);
- (f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales;
- (g) a National Park authority established by an order under section 63 of the Environment Act 1995 for an area in Wales;
- (h) the Welsh Revenue Authority or Awdurdod Cyllid Cymru.]

^{F12}(4)

^{F13}(5)

- (6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration and Asylum Act 1999.

Textual Amendments

- F1** Words in s. 1(2) substituted (23.5.2016) by [Scotland Act 2016 \(c. 11\), ss. 38\(3\), 72\(7\)](#)
- F2** S. 1(2A) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\), ss. 38\(4\), 72\(7\)](#)
- F3** S. 1(2A)(aa) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 45\(2\), 71\(4\)](#) (with Sch. 7 paras. 1, 6); [S.I. 2017/1179, reg. 3\(i\)](#)
- F4** S. 1(3) substituted (S.) (1.4.2018) by [The Equality Act 2010 \(Authorities subject to the Socio-economic Inequality Duty\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/101\), regs. 1, 2\(2\)](#)
- F5** S. 1(3A)(ba) inserted (3.12.2021) by [The Equality Act 2010 \(Authorities subject to a duty regarding Socio-economic Inequalities\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1351\), regs. 1\(2\), 2](#)
- F6** S. 1(3)(h) omitted (E.W.) (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 55\(2\), Sch. 5 para. 181\(a\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F7** S. 1(3)(i) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 55\(2\), Sch. 5 para. 181\(b\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F8** S. 1(3)(j) repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\), s. 30\(3\), Sch. 6](#); [S.I. 2012/1662, art. 2\(2\)\(b\)](#)

Changes to legislation: Equality Act 2010, Part 1 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

- F9** Words in s. 1(3)(k) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 99, **Sch. 16 para. 381**; S.I. 2012/2892, **art. 2(a)(i)**
- F10** S. 1(3)(n)(o) inserted (26.11.2020) by The Scottish National Investment Bank p.l.c. and South of Scotland Enterprise (Miscellaneous Listings) Regulations 2020 (S.S.I. 2020/403), regs. 1, **2(2)**
- F11** S. 1(3A) inserted (E.W.) (30.3.2021) by The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (Wales) Regulations 2021 (S.I. 2021/295), regs. 1, **2**
- F12** S. 1(4) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 100(2)(g)**, 115(3)(k)
- F13** S. 1(5) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 100(2)(g)**, 115(3)(k)

Commencement Information

- I1** S. 1 in force at 31.3.2021 for specified purposes for W. by S.I. 2021/298, **art. 2(a)**
- I2** S. 1(1)-(3)(6) in force at 1.4.2018 for S. by S.S.I. 2017/403, **art. 2(1)(a)(2)** [Editorial note: art. 2(2) of the commencement order provides that, for the avoidance of doubt, s. 1(3) is commenced as originally enacted]

2 Power to amend section 1

- (1) A Minister of the Crown may by regulations amend section 1 so as to—
- add a public authority to the authorities that are subject to the duty under subsection (1) of that section;
 - remove an authority from those that are subject to the duty;
 - make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;
 - 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—
- add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;
 - remove a relevant authority from those that are subject to the duty;
 - make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;
 - 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—
- are exercisable only in or as regards Scotland,
 - are wholly or mainly devolved Scottish functions, and
 - 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 [F14 a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond]

Changes to legislation: Equality Act 2010, Part 1 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

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.

^{F15}(7)

(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).

^{F16}(9)

^{F17}(10)

(11) For the purposes of this [^{F18}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);

^{F19}(b)

Textual Amendments

- F14** Words in s. 2(6) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 83(2)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)
- F15** S. 2(7) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)
- F16** S. 2(9) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)
- F17** S. 2(10) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)
- F18** Word in s. 2(11) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(8), 72(7)**
- F19** S. 2(11)(b) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 83(3)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

Commencement Information

- I3** S. 2 in force at 1.4.2018 for S. by S.S.I. 2017/403, **art. 2(1)(b)**
- I4** S. 2 in force at 22.11.2019 for specified purposes for W. by S.I. 2019/1469, **art. 2**

3 Enforcement

A failure in respect of a performance of a duty under section 1 does not confer a cause of action at private law.

Commencement Information

- I5** S. 3 in force at 1.4.2018 for S. by S.S.I. 2017/403, **art. 2(1)(c)**
- I6** S. 3 in force at 31.3.2021 for specified purposes for W. by S.I. 2021/298, **art. 2(b)**

Changes to legislation:

Equality Act 2010, Part 1 is up to date with all changes known to be in force on or before 18 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)