

SCHEDULES

SCHEDULE 26

Section 211

AMENDMENTS

Local Government Act 1988

- 1 Part 2 of the Local Government Act 1988 (public supply or works contracts) is amended as follows.
- 2 In section 17 (local and other public authority contracts: exclusion of non-commercial considerations)—
 - (a) omit subsection (9), and
 - (b) after that subsection insert—

“(10) This section does not prevent a public authority to which it applies from exercising any function regulated by this section with reference to a non-commercial matter to the extent that the authority considers it necessary or expedient to do so to enable or facilitate compliance with—

 - (a) the duty imposed on it by section 149 of the Equality Act 2010 (public sector equality duty), or
 - (b) any duty imposed on it by regulations under section 153 or 154 of that Act (powers to impose specific duties).”
- 3 Omit section 18 (exceptions to section 17 relating to race relations matters).
- 4 In section 19 (provisions supplementary to or consequential on section 17) omit subsection (10).

Employment Act 1989

- 5 (1) Section 12 of the Employment Act 1989 (Sikhs: requirements as to safety helmets) is amended as follows.
 - (2) In subsection (1), for “requirement or condition”, in the first three places, substitute “provision, criterion or practice”.
 - (3) In that subsection, for the words from “section 1(1)(b)” to the end substitute “section 19 of the Equality Act 2010 (indirect discrimination), the provision, criterion or practice is to be taken as one in relation to which the condition in subsection (2) (d) of that section (proportionate means of achieving a legitimate aim) is satisfied”.
 - (4) In subsection (2), for the words from “the Race Relations Act” to the end substitute “section 13 of the Equality Act 2010 as giving rise to discrimination against any other person”.

Equality Act 2006

6 The Equality Act 2006 is amended as follows.

7 (1) Section 8 (equality and diversity) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (d) for “equality enactments” substitute “Equality Act 2010”,
and

(b) in paragraph (e) for “the equality enactments” substitute “that Act”.

(3) In subsection (4) for “Disability Discrimination Act 1995 (c. 50)” substitute
“Equality Act 2010”.

8 In section 10(2) (meaning of group) for paragraph (d) substitute—

“(d) gender reassignment (within the meaning of section 7 of the Equality
Act 2010).”.

9 For section 11(3)(c) (interpretation) substitute—

“(c) a reference to the equality and human rights enactments is a
reference to the Human Rights Act 1998, this Act and the Equality
Act 2010.”

10 (1) Section 14 (codes of practice) is amended as follows.

(2) For subsection (1) substitute—

“(1) The Commission may issue a code of practice in connection with any matter
addressed by the Equality Act 2010.”

(3) In subsection (2)(a) for “a provision or enactment listed in subsection (1)” substitute
“the Equality Act 2010 or an enactment made under that Act”.

(4) In subsection (3)—

(a) in paragraph (a) for “section 49G(7) of the Disability Discrimination Act
1995 (c. 50)” substitute “section 190(7) of the Equality Act 2010”, and

(b) for paragraph (c)(iv) substitute—

“(iv) section 190 of the Equality Act 2010.”

(5) In subsection (5)(a) for “listed in subsection (1)” substitute “a matter addressed by
the Equality Act 2010”.

(6) In subsection (9) for “section 76A” to “duties)” substitute “section 149, 153 or 154
of the Equality Act 2010 (public sector equality duty)”.

11 In section 16(4) (inquiries: matters which the Commission may consider and report
on) for “equality enactments” substitute “Equality Act 2010”.

12 In section 21(2)(b) (unlawful act notice: specification of legislative provision) for
“equality enactments” substitute “Equality Act 2010”.

13 After section 24 insert—

“24A Enforcement powers: supplemental

(1) This section has effect in relation to—

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- (a) an act which is unlawful because, by virtue of any of sections 13 to 18 of the Equality Act 2010, it amounts to a contravention of any of Parts 3, 4, 5, 6 or 7 of that Act,
 - (b) an act which is unlawful because it amounts to a contravention of section 60(1) of that Act (or to a contravention of section 111 or 112 of that Act that relates to a contravention of section 60(1) of that Act) (enquiries about disability and health),
 - (c) an act which is unlawful because it amounts to a contravention of section 106 of that Act (information about diversity in range of election candidates etc.),
 - (d) an act which is unlawful because, by virtue of section 108(1) of that Act, it amounts to a contravention of any of Parts 3, 4, 5, 6 or 7 of that Act, or
 - (e) the application of a provision, criterion or practice which, by virtue of section 19 of that Act, amounts to a contravention of that Act.
 - (2) For the purposes of sections 20 to 24 of this Act, it is immaterial whether the Commission knows or suspects that a person has been or may be affected by the unlawful act or application.
 - (3) For those purposes, an unlawful act includes making arrangements to act in a particular way which would, if applied to an individual, amount to a contravention mentioned in subsection (1)(a).
 - (4) Nothing in this Act affects the entitlement of a person to bring proceedings under the Equality Act 2010 in respect of a contravention mentioned in subsection (1).”
- 14 Omit section 25 (restraint of unlawful advertising etc.).
- 15 Omit section 26 (supplemental).
- 16 (1) Section 27 (conciliation) is amended as follows.
- (2) For subsection (1) (disputes in relation to which the Commission may make arrangements for the provision of conciliation services) substitute—
 - “(1) The Commission may make arrangements for the provision of conciliation services for disputes in respect of which proceedings have been or could be determined by virtue of section 114 of the Equality Act 2010.”
- 17 (1) Section 28 (legal assistance) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a) for “equality enactments” substitute “Equality Act 2010”, and
 - (b) in paragraph (b) for “the equality enactments” substitute “that Act”.
 - (3) In subsection (5) for “Part V of the Disability Discrimination Act 1995 (c. 50) (public” substitute “Part 12 of the Equality Act 2010 (disabled persons:”.
 - (4) In subsection (6)—
 - (a) for “the equality enactments”, on the first occasion it appears, substitute “the Equality Act 2010”, and
 - (b) for “the equality enactments”, on each other occasion it appears, substitute “that Act”.

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- (5) In subsection (7)—
 - (a) in paragraph (a) for “equality enactments” substitute “Equality Act 2010”, and
 - (b) in paragraph (b) for “the equality enactments” substitute “that Act”.
- (6) In subsection (8) for “Part V of the Disability Discrimination Act 1995 (c. 50)” substitute “Part 12 of the Equality Act 2010”.
- (7) In subsection (9) for “equality enactments” substitute “Equality Act 2010”.
- (8) In subsection (12)—
 - (a) for “A reference in” to “includes a reference” substitute “This section applies”, and
 - (b) after paragraph (b) add “as it applies to the Equality Act 2010.”
- 18 For section 31(1) (duties in respect of which Commission may assess compliance) substitute—
 - “(1) The Commission may assess the extent to which or the manner in which a person has complied with a duty under or by virtue of section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty).”
- 19 (1) Section 32 (public sector duties: compliance notice) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) This section applies where the Commission thinks that a person has failed to comply with a duty under or by virtue of section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty).”
 - (3) In subsection (4) for “section 76A” to “Disability Discrimination Act 1995” substitute “section 149 of the Equality Act 2010”.
 - (4) In subsection (9)(a) for “section 76A” to “Disability Discrimination Act 1995 (c. 50)” substitute “section 149 of the Equality Act 2010”.
 - (5) In subsection (9)(b) for “in any other case” substitute “where the notice related to a duty by virtue of section 153 or 154 of that Act”.
 - (6) In subsection (11) for “section 76B” to “Disability Discrimination Act 1995” substitute “section 153 or 154 of the Equality Act 2010”.
- 20 Omit section 33 (equality and human rights enactments).
- 21 (1) Section 34 (meaning of unlawful) is amended as follows.
 - (2) In subsection (1) for “equality enactments” substitute “Equality Act 2010”.
 - (3) In subsection (2)—
 - (a) after “virtue of” insert “any of the following provisions of the Equality Act 2010”, and
 - (b) for paragraphs (a) to (c) substitute—
 - “(a) section 1 (public sector duty regarding socio-economic inequalities),
 - (b) section 149, 153 or 154 (public sector equality duty),
 - (c) Part 12 (disabled persons: transport), or

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- (d) section 190 (disability: improvements to let dwelling houses).”
- 22 (1) Section 35 (general: definitions) is amended as follows.
- (2) In the definition of “religion or belief”, for “Part 2 (as defined by section 44)” substitute “section 10 of the Equality Act 2010”.
- (3) For the definition of “sexual orientation” substitute—
““sexual orientation” has the same meaning as in section 12 of the Equality Act 2010.”
- 23 In section 39(4) (orders subject to affirmative resolution procedure) for “, 27(10) or 33(3)” substitute “or 27(10)”.
- 24 Omit section 43 (transitional: rented housing in Scotland).
- 25 Omit Part 2 (discrimination on grounds of religion or belief).
- 26 Omit section 81 (regulations).
- 27 Omit Part 4 (public functions).
- 28 In section 94(3) (extent: Northern Ireland)—
(a) omit “and 41 to 56”, and
(b) omit “and the Disability Discrimination Act 1995 (c. 50)”.
- 29 (1) Schedule 1 (the Commission: constitution, etc.) is amended as follows.
- (2) In paragraph 52(3)(a) for “Parts 1, 3, 4, 5 and 5B of the Disability Discrimination Act 1995 (c. 50)” substitute “Parts 2, 3, 4, 6, 7, 12 and 13 of the Equality Act 2010, in so far as they relate to disability”.
- (3) In paragraph 53 for “Part 2 of the Disability Discrimination Act 1995 (c. 50)” substitute “Part 5 of the Equality Act 2010”.
- (4) In paragraph 54 for “Part 2 of the Disability Discrimination Act 1995” substitute “Part 5 of the Equality Act 2010”.
- 30 In Schedule 3 (consequential amendments), omit paragraphs 6 to 35 and 41 to 56.