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**Changes to legislation:** Equality Act 2010, Cross Heading: Nationality and ethnic or national origins 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

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## SCHEDULES

### SCHEDULE 3

#### SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

#### PART 4

#### IMMIGRATION

##### *Nationality and ethnic or national origins*

- 17 (1) This paragraph applies in relation to race discrimination so far as relating to—
- (a) nationality, or
  - (b) ethnic or national origins.
- (2) Section 29 does not apply to anything done by a relevant person in the exercise of [<sup>F1</sup>relevant functions].
- (3) A relevant person is—
- (a) a Minister of the Crown acting personally, or
  - (b) a person acting in accordance with a relevant authorisation.
- (4) A relevant authorisation is a requirement imposed or express authorisation given—
- (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
  - (b) with respect to a particular class of case, [<sup>F2</sup>by or under anything mentioned in sub-paragraph (5)(a) to (c)].
- (5) [<sup>F3</sup>“Relevant functions” means functions exercisable by virtue of ] —
- (a) the Immigration Acts,
  - (b) the Special Immigration Appeals Commission Act 1997, [<sup>F4</sup>or]
  - (c) [<sup>F5</sup>anything which forms part of [<sup>F6</sup>assimilated law and was made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972 or forms part of assimilated law by virtue of section 3] of the European Union (Withdrawal) Act 2018 and [<sup>F7</sup>(in either case)]] relates to immigration or asylum.<sup>F8</sup>...
  - <sup>F8</sup>(d) .....
- (6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—
- (a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc.), or
  - (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (power of arrest).

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### Textual Amendments

- F1** Words in Sch. 3 para. 17(2) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, [5\(7\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 3 para. 17(4)(b) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, [5\(7\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 3 para. 17(5) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, [5\(7\)\(b\)\(iii\)\(aa\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Sch. 3 para. 17(5)(b) inserted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, [5\(7\)\(b\)\(iii\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Sch. 3 para. 17(5)(c) substituted (31.12.2020) by [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, [5\(7\)\(b\)\(iii\)\(cc\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. 3 para. 17(5)(c) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 72\(2\)\(a\)](#)
- F7** Words in Sch. 3 para. 17(5)(c) inserted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 72\(2\)\(b\)](#)
- F8** Sch. 3 para. 17(4)(d) and word omitted (31.12.2020) by virtue of [The Equality \(Amendment and Revocation\) \(EU Exit\) Regulations 2019 \(S.I. 2019/305\)](#), regs. 1, [5\(7\)\(b\)\(iii\)\(dd\)](#); 2020 c. 1, Sch. 5 para. 1(1)

### Commencement Information

- I1** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by [S.I. 2010/2317](#), [art. 2\(3\)](#); Sch. 3 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), [art. 2\(d\)](#)

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**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](#)