



# Equality Act 2010

## 2010 CHAPTER 15

### PART 1

#### SOCIO-ECONOMIC INEQUALITIES

#### **2 Power to amend section 1**

- (1) A Minister of the Crown may by regulations amend section 1 so as to—
  - (a) add a public authority to the authorities that are subject to the duty under subsection (1) of that section;
  - (b) remove an authority from those that are subject to the duty;
  - (c) make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;
  - (d) 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—
  - (a) add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;
  - (b) remove a relevant authority from those that are subject to the duty;
  - (c) make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;
  - (d) 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—

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*Changes to legislation: Equality Act 2010, Section 2 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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- (a) are exercisable only in or as regards Scotland,
  - (b) are wholly or mainly devolved Scottish functions, and
  - (c) 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 [<sup>F1</sup>a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond] 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.
- <sup>F2</sup>(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).
- <sup>F3</sup>(9) .....
- <sup>F4</sup>(10) .....
- (11) For the purposes of this [<sup>F5</sup>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);
  - <sup>F6</sup>(b) .....

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** Word in s. 2(11) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(8), 72(7)**
- F6** 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

- I1** S. 2 in force at 1.4.2018 for S. by S.S.I. 2017/403, **art. 2(1)(b)**
- I2** S. 2 in force at 22.11.2019 for specified purposes for W. by S.I. 2019/1469, **art. 2**

**Changes to legislation:**

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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](#)