
STATUTORY INSTRUMENTS

2010 No. 2317

**The Equality Act 2010 (Commencement No. 4,
Savings, Consequential, Transitional, Transitory and
Incidental Provisions and Revocation) Order 2010**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010.

(2) This Order comes into force on 1st October 2010 immediately after the commencement of the 2010 Order⁽¹⁾.

(3) In this Order—

“the 1970 Act” means the Equal Pay Act 1970⁽²⁾;

“the 1975 Act” means the Sex Discrimination Act 1975⁽³⁾;

“the 1976 Act” means the Race Relations Act 1976⁽⁴⁾;

“the 1986 Act” means the Sex Discrimination Act 1986⁽⁵⁾;

“the 1989 Act” means the Employment Act 1989⁽⁶⁾;

“the 1995 Act” means the Disability Discrimination Act 1995⁽⁷⁾;

“the Religion or Belief Regulations” means the Employment Equality (Religion or Belief) Regulations 2003⁽⁸⁾;

“the 2003 Sexual Orientation Regulations” means the Employment Equality (Sexual Orientation) Regulations 2003⁽⁹⁾;

“the 2006 Act” means the Equality Act 2006⁽¹⁰⁾;

“the Age Regulations” means the Employment Equality (Age) Regulations 2006⁽¹¹⁾;

“the 2007 Sexual Orientation Regulations” means the Equality Act (Sexual Orientation) Regulations 2007⁽¹²⁾;

“the 2010 Act” means the Equality Act 2010;

“the 2010 Order” means the Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010;

“previous enactment” means—

(1) [S.I. 2010/2279](#).
(2) [1970 c.41](#).
(3) [1975 c.65](#).
(4) [1976 c.74](#).
(5) [1986 c.59](#).
(6) [1989 c.38](#).
(7) [1995 c.50](#).
(8) [S.I. 2003/1660](#).
(9) [S.I. 2003/1661](#).
(10) [2006 c.3](#).
(11) [S.I. 2006/1031](#).
(12) [S.I. 2007/1263](#).

- (a) the 1970 Act;
- (b) the 1975 Act;
- (c) the 1976 Act;
- (d) the 1986 Act;
- (e) the 1995 Act;
- (f) the 2006 Act;
- (g) the Religion or Belief Regulations;
- (h) the 2003 Sexual Orientation Regulations;
- (i) the Age Regulations;
- (j) the 2007 Sexual Orientation Regulations.

Provisions coming into force on 1st October 2010

2.—(1) Subject to articles 3 to 25, the relevant provisions of the 2010 Act, as set out in the following paragraphs, come into force on 1st October 2010.

- (2) In Part 2 (equality: key concepts), the relevant provisions are—
 - (a) sections 4 and 5;
 - (b) section 6 in so far as it is not already in force;
 - (c) sections 7 to 13;
 - (d) sections 15 to 21;
 - (e) section 22 in so far as it is not already in force;
 - (f) sections 23 to 27;
 - (g) Schedule 1 in so far as it is not already in force.
- (3) In Part 3 (services and public functions), all the provisions are relevant provisions except—
 - (a) so far as they apply to the protected characteristic of age;
 - (b) paragraph 2 of Schedule 2 so far as it relates to the third requirement in a case where A is—
 - (i) a local authority in England or Wales exercising functions under the Education Acts, or
 - (ii) an education authority exercising functions under an enactment specified in paragraph 10(2) of Schedule 3 to the 2010 Act.
- (4) In Part 4 (premises), the relevant provisions are—
 - (a) sections 32 to 35;
 - (b) section 36(1)(a) to (c), (2) to (4), (7) and (8);
 - (c) section 38(1) to (7) and (9);
 - (d) section 38(8) in so far as it relates to the provisions set out in paragraph (e);
 - (e) in Schedule 4—
 - (i) paragraphs 1 to 4;
 - (ii) paragraph 8 except so far as it relates to paragraph 5(4)(c);
 - (iii) paragraph 9 in so far as it is not already in force;
 - (f) Schedule 5.
- (5) In Part 5 (work), the relevant provisions are—

- (a) sections 39 to 60;
 - (b) section 61 in so far as it is not already in force;
 - (c) sections 62 to 77;
 - (d) section 79;
 - (e) sections 80 to 83 in so far as they are not already in force;
 - (f) Schedule 6;
 - (g) Schedule 7 in so far as it is not already in force;
 - (h) Schedule 8;
 - (i) Schedule 9 in so far as it is not already in force.
- (6) In Part 6 (education), the relevant provisions are—
- (a) sections 84 to 93;
 - (b) section 94 in so far as it is not already in force;
 - (c) section 95;
 - (d) sections 96 and 97 in so far as they are not already in force;
 - (e) section 98 (except as provided in paragraph (i));
 - (f) section 99;
 - (g) Schedules 10 and 11;
 - (h) Schedule 12 in so far as it is not already in force;
 - (i) Schedule 13 except—
 - (i) paragraph 2 so far as it relates to the third requirement;
 - (ii) paragraph 5 so far as it relates to the third requirement in a case where A is the governing body of a maintained school (within the meaning of section 92 of the 2010 Act);
 - (j) Schedule 14.
- (7) In Part 7 (associations), the relevant provisions are—
- (a) sections 100 to 105 except so far as they apply to the protected characteristic of age;
 - (b) section 107 except so far as it applies to the protected characteristic of age;
 - (c) Schedule 15;
 - (d) Schedule 16 except so far as it applies to the protected characteristic of age.
- (8) In Part 8 (prohibited conduct: ancillary), all the provisions are relevant provisions.
- (9) In Part 9 (enforcement), the relevant provisions are—
- (a) sections 113 to 115;
 - (b) section 116(1)(a) and (b) and (2);
 - (c) section 116(1)(c) so far as it relates to, and for the purpose of, making rules under Part 3 of Schedule 17 to the 2010 Act;
 - (d) section 116(3) in so far as it relates to the provisions set out in paragraph (k);
 - (e) section 117 in so far as it is not already in force;
 - (f) sections 118 to 135;
 - (g) section 136(1) to (6)(a) to (e);
 - (h) section 137;

- (i) section 138 in so far as it is not already in force;
 - (j) sections 139 to 141;
 - (k) in Schedule 17—
 - (i) Parts 1 and 2 in so far as they are not already in force;
 - (ii) Part 3 so far as it confers or relates to the power to make rules under paragraph 10 of that Schedule;
 - (iii) Part 4.
- (10) In Part 10 (contracts, etc.), the relevant provisions are—
- (a) sections 142 to 146;
 - (b) section 147 in so far as it is not already in force;
 - (c) section 148.
- (11) In Part 11 (advancement of equality), the relevant provisions are—
- (a) section 158;
 - (b) section 159(3) for the purposes of section 158(4)(a) only.
- (12) In Part 12 (disabled persons: transport), the relevant provisions are—
- (a) section 161 so far as it confers the power to make regulations;
 - (b) section 165 so far as it relates to, and for the purpose of, the issue of exemption certificates under section 166;
 - (c) section 166;
 - (d) section 167(1) to (5), and (7), so far as it relates to, and for the purpose of, the issue of exemption certificates under section 166;
 - (e) section 167(6);
 - (f) sections 168 to 185;
 - (g) sections 187 and 188.
- (13) In Part 13 (disability: miscellaneous), the relevant provisions are—
- (a) section 189 in so far as it is not already in force;
 - (b) section 190;
 - (c) Schedule 21 in so far as it is not already in force.
- (14) In Part 14 (general exceptions), the relevant provisions are—
- (a) section 191 (except as provided in paragraph (d));
 - (b) sections 192 to 195;
 - (c) section 196 (except as provided in paragraph (e));
 - (d) Schedule 22 except so far as it applies to the protected characteristic of age in Parts 3 and 7 of the 2010 Act;
 - (e) Schedule 23 except so far as it applies to the protected characteristic of age in Parts 3 and 7 of the 2010 Act.
- (15) In Part 16 (general and miscellaneous), the relevant provisions are—
- (a) section 206;
 - (b) section 211(1) in so far as it relates to the provisions set out in paragraph (e));
 - (c) section 211(2) (except as provided in paragraph (f));
 - (d) Schedule 25;

- (e) in Schedule 26(**13**)—
 - (i) paragraphs 1 to 8;
 - (ii) paragraphs 13 to 60;
 - (iii) paragraph 61 in so far as it is not already in force;
 - (iv) paragraphs 62 to 64;
 - (v) paragraph 65(4);
 - (vi) paragraphs 66 to 72;
 - (vii) paragraph 75;
 - (viii) paragraph 76 except so far as it relates to section 34(2)(a) and (b) of the 2006 Act, as substituted by sub-paragraph (3)(b) of that paragraph;
 - (ix) paragraphs 77 to 81;
 - (x) paragraph 82 except so far as it relates to sections 84 and 85(**14**) of the 2006 Act;
 - (xi) paragraphs 83 to 107;
- (f) Schedule 27(**15**) except so far as it repeals—
 - (i) sections 76A to 76C of the 1975 Act(**16**) (and section 81 of that Act so far as relating to those sections);
 - (ii) sections 71 to 71B of, and Schedule 1A to, the 1976 Act(**17**);
 - (iii) sections 17(8), 18 and 19(10) of the Local Government Act 1988(**18**);
 - (iv) sections 49A to 49D of the 1995 Act(**19**);
 - (v) section 404 of the Greater London Authority Act 1999(**20**);
 - (vi) sections 84 and 85 of the 2006 Act;
 - (vii) sections 55 and 56 of the Local Transport Act 2008(**21**).

Commencement and savings relating to the Additional Support Needs Tribunal for Scotland

3. The following provisions of Part 9 of the 2010 Act (enforcement) (in so far as not coming into force under article 2(9)) come into force on 18th March 2011—

- (a) section 116(1)(c);
- (b) section 116(3);

(13) Schedule 26 has been amended by the 2010 Order and the paragraphs within it have been renumbered.

(14) By virtue of [S.I. 2009/2231](#), references in section 85 of the 2006 Act to an office-holder in the Scottish Administration are to be taken to include a reference to the Scottish Court Service established by the Judiciary and Courts (Scotland) Act 2008 ([2008 asp 6](#)), section 60(1).

(15) Schedule 27 has been amended by the 2010 Order.

(16) Section 76A was inserted by the 2006 Act, section 84(1) and was amended by [S.I. 2007/1388](#) and [2007/2914](#). Sections 76B and 76C were inserted by the 2006 Act, section 85(1) and were amended by [S.I. 2007/2914](#). Section 76B was also amended by [S.I. 2007/1388](#).

(17) Sections 71 to 71B of the 1976 Act were substituted by the Race Relations (Amendment) Act 2000 ([c.21](#)), section 2(1). Sections 71 and 71B were amended by [S.I. 2007/2914](#). Section 71B was also amended by [S.I. 2007/1388](#). Section 71A was amended by the Nationality, Immigration and Asylum Act 2002 ([c.41](#)), section 6(5) and Schedule 9. Schedule 1A was inserted by the Race Relations (Amendment) Act 2000, Schedule 1 and has been subject to amendments not relevant to this Order.

(18) [1988 c.9](#); section 17(8) was amended by the Trade Union and Labour Relations Consolidation Act 1992 ([c.52](#)), Schedule 2, paragraph 38 and by [S.I. 2009/1941](#). Section 18 was amended by the Race Relations (Amendment) Act 2000, Schedule 2, paragraphs 20 to 22 and the Environment Act 1995 ([c.25](#)), Schedule 8, paragraph 8.

(19) Sections 49A to 49D were inserted by the Disability Discrimination Act 2005 ([c.13](#)), section 3. Section 49B was amended by [S.I. 2007/1388](#). Section 49C was amended by the 2006 Act, section 88 and [S.I. 2007/1388](#). Section 49D was amended by the 2006 Act, Schedule 3, paragraphs 41 and 48 and [S.I. 2007/1388](#).

(20) [1999 c.29](#); section 404 was amended by the Greater London Authority Act 2007 ([c.24](#)), section 11 and Schedule 2.

(21) [2008 c.26](#).

- (c) section 136(6)(f);
- (d) in Schedule 17, Part 3.

4.—(1) Paragraph (2) applies in relation to a claim that the responsible body of a school in Scotland to which section 85 of the 2010 Act applies has contravened Part 6 of the 2010 Act because of a person’s disability, if the act complained of is done on 1st October 2010 or is done after that date but before 18th March 2011, and the legal proceedings in respect of it are instituted before 18th March 2011.

(2) Despite their repeal by Schedule 27 to the 2010 Act, section 28N of, and Part 3 of Schedule 3 to, the 1995 Act(22) have effect in relation to the claim; and for that purpose, the reference in paragraph 9 of that Schedule to Chapter 1 of Part 4 of the 1995 Act is to be read as a reference to Part 6 of the 2010 Act so far as relating to disability.

(3) Subsection (6) of section 118 of the 2010 Act applies for the purposes of this article as it applies for the purposes of that section.

Savings and consequential amendments relating to Wales

5.—(1) Despite their lapse by virtue of Schedule 27 to the 2010 Act, subject to paragraph (2), the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002(23) continue in effect so far as they relate to Wales until regulations under paragraph 6 of Schedule 17 to the 2010 Act come into force.

(2) In regulation 2 of those Regulations—

(a) after the definition of “the 1996 Act” insert—

““the 2010 Act” means the Equality Act 2010;”;

(b) in the definition of “claim”, for “of unlawful discrimination under Chapter 1 of Part IV of the 1995 Act” substitute—

“under Chapter 1 of Part 6 of the 2010 Act for—

- (i) disability discrimination,
- (ii) harassment related to disability, or
- (iii) victimisation within the meaning of section 27 of the 2010 Act where the protected act in question relates to disability;”;

(c) after the definition of “the clerk to the tribunal” insert—

““disability” means disability within the meaning of section 6 of the 2010 Act;”.

6. Despite its repeal by Schedule 27 to the 2010 Act, section 28JA of the 1995 Act(24) continues to have effect but the references in that section to proceedings under Chapter 1 of Part IV of the 1995 Act are to be read as references to proceedings under Chapter 1 of Part 6 of the 2010 Act and section 116 of, and Schedule 17 to, that Act.

(22) Section 28N was inserted by the Special Educational Needs and Disability Act 2001 (c.10), section 23 and amended by the Disability Discrimination Act 2005, Schedule 1, Part 1, paragraphs 1 and 24 and by S.I. 2008/2833. Part 3 of Schedule 3 was inserted by the Special Educational Needs and Disability Act 2001, Schedule 3, paragraph 1 and amended by the Education (Wales) Measure 2009 (2009 No. 5), Schedule, paragraphs 6 and 9, the Disability Discrimination Act 2005, Schedule 1, Part 1, paragraphs 1 and 38, S.I. 2008/2833, the Education Act 2002, Schedule 18, paragraphs 7 and 12, the 2006 Act, Schedule 3, paragraphs 41 and 56 and S.I. 2007/1388.

(23) S.I. 2002/1985, amended by S.I. 2008/2683, which was made under sections 28J(1), (2), (3) and (8), 67(1) and (3) and 68(1) of the 1995 Act, which is being repealed by Schedule 27 to the 2010 Act. It was also made under other powers not relevant to this Order.

(24) Section 28JA was inserted by S.I. 2008/2833.

Transitional provisions

7. Part 9 of the 2010 Act (enforcement) applies where—

- (a) an act carried out before 1st October 2010 is unlawful under a previous enactment, and
- (b) that act continues on or after 1st October 2010 and is unlawful under the 2010 Act.

8.—(1) Paragraph (2) applies to the following acts—

- (a) bringing proceedings under a previous enactment;
- (b) giving evidence or information in connection with proceedings under a previous enactment;
- (c) doing any other thing for the purposes of or in connection with a previous enactment;
- (d) making an allegation (whether or not express) that another person has contravened a previous enactment.

(2) Section 27 of the 2010 Act (victimisation) applies in relation to an act to which this paragraph applies, and for that purpose the references in that section to “this Act” are to be read as references to the relevant previous enactment.

Transitory provision relating to the public sector equality duty

9. Pending the commencement of paragraph 76 of Schedule 26 to the 2010 Act⁽²⁵⁾ so far as it relates to section 34(2)(b) of the 2006 Act, as substituted by sub-paragraph (3) of that paragraph, section 34 of the 2006 Act, and section 33(1) of that Act⁽²⁶⁾ so far as it applies to that section, apply in relation to duties under or by virtue of—

- (a) sections 76A to 76C of the 1975 Act;
- (b) section 71 of the 1976 Act; and
- (c) sections 49A to 49D of the 1995 Act.

Transitory provisions relating to ships and hovercraft

10.—(1) In this article, “shipping matter” means—

- (a) transporting people by ship or hovercraft,
- (b) a service provided on a ship or hovercraft, or
- (c) the exercise of a public function in relation to a ship or hovercraft that is not the provision of a service to the public or a section of the public.

(2) Despite their repeal or revocation by Schedule 27 to the 2010 Act, the provisions set out in Schedule 1 continue to have effect so far as they relate to a shipping matter within paragraph 1(a) or (b) until regulations under section 30(1) of the 2010 Act come into force.

(3) Despite their repeal by Schedule 27 to the 2010 Act, the provisions of the 1995 Act set out in Schedule 1, so far as they relate to discrimination within the meaning of section 21D of that Act, continue to have effect so far as they relate to a shipping matter within paragraph 1(c) until regulations under section 30(2) of the 2010 Act come into force.

(4) The following provisions of Schedule 26 to the 2010 Act⁽²⁷⁾ do not come into force in relation to a shipping matter within paragraph 1(a) or (b) until regulations under section 30(1) of the 2010 Act come into force—

⁽²⁵⁾ Paragraph 76 of Schedule 26 was renumbered as such by the 2010 Order.

⁽²⁶⁾ Section 33(1) was amended by [S.I. 2006/1031](#).

⁽²⁷⁾ Schedule 26 has been amended by the 2010 Order and the paragraphs within it have been renumbered.

- (a) paragraph 67 (amendment of section 21(2)(b) of the 2006 Act) and paragraph 61(28) so far as relating to that paragraph; and
- (b) paragraphs 69 and 70(29) (repeal of sections 25 and 26 of the 2006 Act(30)) and paragraph 61 so far as relating to those paragraphs.

(5) Paragraphs 67, 69 and 70 of Schedule 26 to the 2010 Act, and paragraph 61 of that Schedule so far as relating to those paragraphs, so far as they relate to disability discrimination, do not come into force in relation to a shipping matter within paragraph 1(c) until regulations under section 30(2) of the 2010 Act come into force.

(6) Despite its lapse by virtue of Schedule 27 to the 2010 Act, subordinate legislation specified in Schedule 2 continues to have effect so far as it relates to a shipping matter within paragraph 1(a) or (b) until regulations under section 30(1) of the 2010 Act come into force.

(7) Despite its lapse by virtue of Schedule 27 to the 2010 Act, subordinate legislation made under the 1995 Act that is specified in Schedule 2, so far as it relates to discrimination within the meaning of section 21D of that Act, continues to have effect so far as it relates to a shipping matter within paragraph 1(c) until regulations under section 30(2) of the 2010 Act come into force.

(8) Despite their amendment by the 2010 Order, the following provisions continue to apply in the form immediately before their amendment by that Order, so far as they relate to a shipping matter within paragraph 1(a) or (b), until regulations under section 30(1) of the 2010 Act come into force—

- (a) sections 76A to 76C of the 1975 Act;
- (b) sections 71 to 71B of, and Schedule 1A to, the 1976 Act;
- (c) sections 49A to 49D of the 1995 Act.

(9) Despite their amendment by the 2010 Order, sections 49A to 49D of the 1995 Act, so far as they relate to discrimination within the meaning of section 21D of that Act, continue to apply in the form immediately before their amendment by that Order, so far as they relate to a shipping matter within paragraph 1(c), until regulations under section 30(2) of the 2010 Act come into force.

11.—(1) Despite their repeal or revocation by Schedule 27 to the 2010 Act, the provisions set out in Schedule 3 continue to have effect so far as they relate to work on ships, work on hovercraft and seafarers until regulations under section 81 of the 2010 Act come into force.

(2) The following provisions of Schedule 26 to the 2010 Act(31) do not come into force in relation to work on ships, work on hovercraft and seafarers until regulations under section 81 of the 2010 Act come into force—

- (a) paragraph 15 (amendment of section 12 of the 1989 Act) and paragraph 13(32) so far as relating to that paragraph;
- (b) paragraph 67 (amendment of section 21(2)(b) of the 2006 Act) and paragraph 61 so far as relating to that paragraph;
- (c) paragraphs 69 and 70 (repeal of sections 25 and 26 of the 2006 Act) and paragraph 61 so far as relating to those paragraphs.

(3) Despite its lapse by virtue of Schedule 27 to the 2010 Act, subordinate legislation specified in Schedule 4 continues to have effect, so far as it relates to work on ships, work on hovercraft and seafarers, until regulations under section 81 of the 2010 Act come into force.

(28) Paragraphs 61 and 67 of Schedule 26 were renumbered as such by the 2010 Order.

(29) Paragraphs 69 and 70 of Schedule 26 were renumbered as such by the 2010 Order.

(30) Section 25 was amended by [S.I. 2006/1721](#) and [2007/1263](#).

(31) Schedule 26 has been amended by the 2010 Order and the paragraphs within it have been renumbered.

(32) Paragraph 13 of Schedule 26 was inserted by the 2010 Order and paragraph 15 was renumbered as such by that Order.

(4) Despite their amendment by the 2010 Order, the following provisions continue to apply in the form immediately before their amendment by that Order, so far as they relate to work on ships, work on hovercraft and seafarers, until regulations under section 81 of the 2010 Act come into force—

- (a) sections 76A to 76C of the 1975 Act;
- (b) sections 71 to 71B of, and Schedule 1A to, the 1976 Act;
- (c) sections 49A to 49D of the 1995 Act.

Transitory provision relating to taxis and private hire vehicles

12. Despite their repeal by Schedule 27 to the 2010 Act, sections 36 and 36A of the 1995 Act(**33**), and section 38 of the 1995 Act(**34**) in so far as it relates to appeals against decisions of licensing authorities under section 36 or 36A of that Act, continue to have effect until section 165 of the 2010 Act comes fully into force.

Transitory provisions relating to guidance

13.—(1) Until guidance under section 6(5) of the 2010 Act (disability) comes into force, the guidance referred to in paragraph (2) has effect for the purposes of that section.

(2) The guidance is “Guidance on matters to be taken into account in determining questions relating to the definition of disability”(**35**).

(3) Despite its repeal by Schedule 27 to the 2010 Act, section 3 of the 1995 Act(**36**) continues to have effect, so far as it confers power to issue that guidance.

14.—(1) Until guidance issued under paragraph 22(3)(b) of Schedule 3 to the 2010 Act (insurance: sex, gender reassignment, pregnancy and maternity) comes into force, the guidance referred to in paragraph (2) has effect for the purposes of paragraph 22(3)(b).

(2) The guidance is “Guidance on the publication of data associated with the use of gender in the assessment of insurance risks”(**37**); and for that purpose—

- (a) a reference to section 29 or 29(1) of the 1975 Act should be read as a reference to section 29 of the 2010 Act,
- (b) a reference to section 45(3) or 45(3)(a) of the 1975 Act should be read as a reference to paragraph 22(3) of Schedule 3 to the 2010 Act,
- (c) paragraph 4.1 should be read as beginning with the words “The Equality Act 2010 and”,
- (d) the heading after paragraph 4.4, paragraphs 4.5 to 4.8 and paragraph 4.10 should be ignored,
- (e) in paragraph 4.9, “But” should be ignored,
- (f) in paragraph 4.12, the words “corresponding amendments are made to the relevant provisions of” should be read as “corresponding provisions can be found in”,
- (g) in paragraph 4.15, the words “The Regulations amending the Sex Discrimination Act 1975” should be read as “The Equality Act 2010”, and

(33) Section 36 was amended by the Local Transport Act 2008 (c.26), section 55, and section 36A was inserted by the Local Transport Act 2008, section 56(1) and (2).

(34) Section 38 was amended by the Local Transport Act 2008, section 56(1), (3), (4), (5), (6) and (7), the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c.37), section 3 and the Courts Act 2003 (c.39), section 109(1) and (3), Schedule 8, paragraph 368(1), (2) and (3) and Schedule 10.

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(36) Section 3 was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, Part 1, paragraphs 1 and 3 and the Special Educational Needs and Disability Act 2001 (c.10), section 38.

(37) ISBN 978-1-84532-436-0.

(h) in paragraph 4.22, the words “the Regulations” should be read as “the applicable legislation and guidance”.

(3) Despite its repeal by Schedule 27 to the 2010 Act, section 45(3)(a) of the 1975 Act⁽³⁸⁾ continues to have effect, so far as it confers power to issue that guidance.

Savings

15. The 2010 Act does not apply where the act complained of occurs wholly before 1st October 2010 so that—

- (a) nothing in the 2010 Act affects—
 - (i) the operation of a previous enactment or anything duly done or suffered under a previous enactment;
 - (ii) any right, obligation or liability acquired or incurred under a previous enactment;
 - (iii) any penalty incurred in relation to any unlawful act under a previous enactment;
 - (iv) any investigation, legal proceeding or remedy in respect of any such right, obligation, liability or penalty; and
- (b) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed, as if the 2010 Act had not been commenced.

16.—(1) The repeals and revocations made by Schedule 27 to the 2010 Act do not affect the operation of a transitional provision or saving relating to the commencement of a provision for which there is corresponding provision in the 2010 Act, in so far as the transitional provision or saving is not expressly restated in the 2010 Act but remains capable of having effect.

(2) The repeal or revocation by Schedule 27 to the 2010 Act of a provision previously repealed or revoked subject to a saving does not affect the continued operation of that saving.

(3) The repeal or revocation by Schedule 27 to the 2010 Act of a saving on the previous repeal or revocation of a provision does not affect the saving in so far as it is not expressly restated in the 2010 Act but remains capable of having effect.

17. Despite the repeal of section 1 of the 1989 Act⁽³⁹⁾ (overriding of pre-1975 statutory requirements which conflict with the 1975 Act) by Schedule 27 to the 2010 Act, any provision which, immediately before that repeal, is of no effect as a result of that section continues to be of no effect.

18.—(1) This article applies in respect of insurance business in relation to an existing insurance policy within paragraph 23(1) of Schedule 3 to the 2010 Act.

(2) Despite their repeal or revocation by Schedule 27 to the 2010 Act, the provisions set out in Schedule 5 continue to have effect.

(3) Despite its lapse by virtue of Schedule 27 to the 2010 Act, subordinate legislation specified in Schedule 6 continues to have effect.

(4) The guidance referred to in paragraph (2) of article 14 applies unaffected by sub-paragraphs (a) to (h) of that paragraph.

19. Despite their repeal by Schedule 27 to the 2010 Act, the following provisions of the 1995 Act continue to have effect—

⁽³⁸⁾ Section 45(3)(a) was inserted by [S.I. 2008/963](#).

⁽³⁹⁾ Section 1 was amended by [S.I. 2001/2660](#).

- (a) section 30(5) (amendment of section 62 of the Further and Higher Education Act 1992⁽⁴⁰⁾) and section 30(1) so far as relating to it;
- (b) section 39 (amendments of section 20 of the Civic Government (Scotland) Act 1982⁽⁴¹⁾);
- (c) section 61 (amendment of section 15 of the Disabled Persons (Employment) Act 1944⁽⁴²⁾);
- (d) in Schedule 1, paragraph 7(1) to (4), and (7) (persons on register of disabled persons on 12th January 1995 and on date of commencement of paragraph 7 deemed to have disability etc.)⁽⁴³⁾; and
- (e) in Schedule 6, paragraph 1(a) (amendment of section 12(1) of the Employment and Training Act 1973⁽⁴⁴⁾) and paragraph 6 (amendment of section 16 of the Enterprise and New Towns (Scotland) Act 1990⁽⁴⁵⁾).

20. Despite their revocation by Schedule 27 to the 2010 Act, regulations 2(2) and 44 to 46 of the Age Regulations continue to have effect so far as they relate to Schedule 6 to those Regulations.

21.—(1) Subordinate legislation specified in the first column of the table in Schedule 7, in so far as made under the provision of a previous enactment specified in the second column, is to be treated as made under the provision of the 2010 Act specified in the third column.

(2) Despite its repeal by Schedule 27 to the 2010 Act, section 67(3)(b) of the 1995 Act (power to sub-delegate) continues to have effect in so far as it provides authority for the Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008⁽⁴⁶⁾.

22.—(1) The guidance referred to in paragraph (2), in so far as it was issued under section 28E(3) of the 1995 Act, is to be treated as issued under paragraph 2(4) of Schedule 10 to the 2010 Act.

(2) The guidance is “Guidance on Accessible Schools: Planning to increase access to schools for disabled pupils”⁽⁴⁷⁾.

Revocation and consequential etc. provisions

23. In the Rail Passengers’ Rights and Obligations Regulations 2010⁽⁴⁸⁾, omit regulation 10 (amendment of section 19 of the 1995 Act).

24. The amendments in Schedule 8 have effect.

25. A reference in any other subordinate legislation to a previous enactment is, so far as the context allows, to be read as a reference to the 2010 Act so far as corresponding to the previous enactment (and the context of the reference is to be read as being subject to such consequential alterations as are required).

⁽⁴⁰⁾ [1992 c.13](#); section 62 was amended by the 1995 Act, section 30 and by the 2010 Act, Schedule 26, paragraph 23 (as inserted by the 2010 Order).

⁽⁴¹⁾ [1982 c.45](#); section 20 was amended by the 1995 Act, section 39, by the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002, section 2 and by the 2010 Act, Schedule 26, paragraph 7 (as inserted by the 2010 Order).

⁽⁴²⁾ [1944 c.10](#); section 15 was amended by the 1995 Act, section 61 and by the 2010 Act, Schedule 26, paragraph 1 (as inserted by the 2010 Order).

⁽⁴³⁾ Schedule 1, paragraph 7 was amended by the Disability Discrimination Act 2005, section 18.

⁽⁴⁴⁾ [1973 c.50](#); section 12(1) was amended by the Employment Act 1988 ([c.19](#)), Schedule 2, paragraph 2, by the 1995 Act, Schedule 6, paragraph 1, by the 1989 Act, Schedule 7, Part I and by the 2010 Act, Schedule 26, paragraph 3 (as inserted by the 2010 Order).

⁽⁴⁵⁾ [1990 c.35](#); section 16 was amended by the 1995 Act, Schedule 6, paragraph 6 and by the 2010 Act, Schedule 26, paragraph 21 (as inserted by the 2010 Order).

⁽⁴⁶⁾ [S.I. 2008/2975](#).

⁽⁴⁷⁾ Ref. LEA/0168/2002.

⁽⁴⁸⁾ [S.I. 2010/1504](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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