

2003 No. 566

RACE RELATIONS

**The Race Relations Act 1976 (Statutory Duties) (Scotland)
Amendment Order 2003**

Made - - - - - *25th November 2003*
Laid before the Scottish Parliament *26th November 2003*
Coming into force - - - *31st December 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 71(2) and (3) and 74(4) of the Race Relations Act 1976(a) and of all other powers enabling them in that behalf, after consultation with the Commission for Racial Equality in accordance with section 71(4) of that Act, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2003 and shall come into force on 31st December 2003.

(2) In this Order “the 2002 Order” means the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002(b).

Amendment of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002

2. The 2002 Order is amended as follows.

3. At the beginning of article 5(1) (monitoring by employers) insert “Subject to article 5A,”.

4. After article 5 insert—

“**5A.**—(1) In the case of the bodies or persons specified in paragraph (2), article 5 shall apply subject to the modification that for “30th November 2002” in article 5(1)(a) there is substituted “31st May 2004”.

(2) The specified bodies or persons are—

- (a) The League for the Exchange of Commonwealth Teachers;
- (b) a National Park authority established by a designation order made under section 6 of the National Parks (Scotland) Act 2000(c);
- (c) The Royal College of Physicians of Edinburgh, in respect of its public functions;

(a) 1976 c.74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c.34) (“the 2000 Act”). Subsections (2) to (4) of section 71 are deemed by virtue of section 71B(1) of the Race Relations Act 1976 (c.74) to be pre-commencement enactments within the meaning of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions conferred on the Secretary of State by those subsections are therefore transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2002/62.

(c) 2000 asp 10.

- (d) The Royal College of Physicians and Surgeons of Glasgow, in respect of its public functions;
- (e) The Royal College of Surgeons of Edinburgh, in respect of its public functions;
- (f) The Scottish Commission for the Regulation of Care(a);
- (g) The Scottish Information Commissioner(b); and
- (h) The Scottish Social Services Council(c).”.

5.—(1) In Schedule 1 (bodies and other persons required to publish race equality schemes) after “A National Health Service Trust established under section 12A of the National Health Service (Scotland) Act 1978” insert “A Passenger Transport Executive within the meaning of Part II of the Transport Act 1968(d) for a passenger transport area within Scotland”.

(2) Article 2(2) (race equality schemes) of the 2002 Order shall have effect in its application to any Passenger Transport Executive within the meaning of Part II of the Transport Act 1968 for a passenger transport area within Scotland subject to the modification that for “30th November 2002” there is substituted “30th November 2004”.

6. In Schedule 3 (bodies or persons excepted by article 5(5)(b) of the 2002 Order)—

- (a) omit “The Ancient Monuments Board for Scotland”;
- (b) after “The Royal Fine Art Commission for Scotland” insert “The Scottish Agricultural Wages Board”;
- (c) for “The Historic Buildings Council for Scotland” substitute “The Historic Environment Advisory Council for Scotland”; and
- (d) at the end insert “A Water Customer Consultation Panel established by order under section 2(1) of the Water Industry (Scotland) Act 2002(e)”.

Margaret Curran
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
25th November 2003

(a) Constituted under section 1(1), of the Regulation of Care (Scotland) Act 2001 (asp 8) (“the 2001 Act”).
 (b) Established by section 42(1) of the Freedom of Information (Scotland) Act 2002 (asp 13).
 (c) Constituted under section 43(1) of the 2001 Act.
 (d) 1968 c.73.
 (e) 2002 asp 3. S.S.I. 2002/473 establishes the Water Customer Consultation Panels.

EXPLANATORY NOTE

(This note is not part of the Order)

The Race Relations (Amendment) Act 2000 substituted a new section 71 into the Race Relations Act 1976 (“the 1976 Act”). Section 71(1) of the 1976 Act imposes a general duty on persons specified in Schedule 1A to that Act in carrying out their functions to have due regard to (a) the need to eliminate unlawful discrimination and (b) to promote equality of opportunity and good relations between persons of different racial groups.

Section 71(2) of the 1976 Act empowers the Scottish Ministers to impose by order specific duties on persons falling within Schedule 1A for the purpose of ensuring the better performance of the general duty under section 71(1) of that Act.

The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (“the 2002 Order”) made by the Scottish Ministers under section 71(2) imposes specific duties on bodies specified in Schedule 1A to the 1976 Act so far as within devolved competence. This Order amends the 2002 Order.

Article 4 inserts a new Article 5A in the 2002 Order. This extends the duties under Article 5 of that Order to those bodies or persons listed in paragraph (2) and gives them until 31st May 2004 to comply with those duties.

Article 5(1) amends Schedule 1 to the 2002 Order which lists those bodies or persons required to publish Race Equality Schemes to add any Passenger Transport Executives for passenger transport areas within Scotland. Article 5(2) gives these bodies until 30th November 2004 to comply with this duty.

Article 6 amends Schedule 3 to the 2002 Order which lists those bodies or persons excepted from the Article 5 duties of monitoring by employers.

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