

EQUALITY ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: The Commission for Equality and Human Rights

Section 14: Codes of practice

44. *Section 14* enables the CEHR to issue a code of practice in respect of specified areas of discrimination legislation, to assist in compliance with the legislation and to promote equality of opportunity. Additionally, the CEHR may issue a code of practice on specified provisions of landlord and tenant and housing legislation.
45. *Subsection (1)* lists the areas in the equality enactments (as defined in section 33) in relation to which the CEHR is to be able to issue codes of practice.
46. *Subsections (3) and (4)* set out the circumstances and the areas of landlord and tenant and housing legislation on which a code can be issued giving practical guidance to landlords and tenants in England or Wales (*subsection (2)*) and in Scotland (*subsection (3)*).
47. *Subsection (5)* places an obligation upon the CEHR to comply with a direction of the Secretary of State to prepare a code of practice in respect of a matter not currently covered by this section but which the Secretary of State expects to add by means of the order-making power provided in section 15(6) to vary the range of matters on which the CEHR may prepare a code of practice.
48. *Subsection (6)* requires the CEHR to publish for consultation proposals for any code of practice.
49. *Subsection (7)* prevents the CEHR from issuing a code of practice unless it has been approved in draft by the Secretary of State and then laid before Parliament. Either House of Parliament may pass a resolution disapproving the draft code within 40 days of it being laid. If no such resolution is passed, *subsection (8)* provides that the code of practice will come into force on a day specified by order by the Secretary of State.
50. *Subsection (9)* requires the Secretary of State to consult Scottish Ministers and the National Assembly for Wales prior to approving a draft code of practice or commencing a code of practice which relates to the duties on the public sector regarding the general and specific duties for race, gender or disability under the RRA, SDA and DDA, respectively.
51. *Subsection (10)* requires the Secretary of State to consult the Scottish Ministers prior to approving a draft code of practice or commencing a code of practice issued under *subsection (4)* which gives practical guidance to landlords and tenants of houses in Scotland.