



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

Dissolution of Existing Commissions

36 Dissolution

- (1) The Secretary of State may by order provide for—
 - (a) any of the former Commissions to cease to exist, or
 - (b) the removal from any of the former Commissions of a specified function.
- (2) In this Part “the former Commissions” means—
 - (a) the Equal Opportunities Commission,
 - (b) the Commission for Racial Equality, and
 - (c) the Disability Rights Commission.
- (3) The Secretary of State shall by exercising the power under subsection (1) ensure that each of the former Commissions ceases to exist not later than the end of 31st March 2009.

37 Transfer of property, &c.

- (1) An order under section 36(1) in respect of any of the former Commissions may provide for the transfer to the Commission for Equality and Human Rights of specified property, rights and liabilities of the former Commission.
- (2) The Secretary of State may give a former Commission any direction that the Secretary of State thinks appropriate in connection with the dissolution of the former Commission or the establishment of the Commission for Equality and Human Rights; and a direction may, in particular, require the former Commission—
 - (a) to provide information in connection with property, rights or liabilities;

Changes to legislation: Equality Act 2006, Cross Heading: Dissolution of Existing Commissions is up to date with all changes known to be in force on or before 14 March 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

- (b) to provide information in connection with the exercise of functions;
 - (c) to transfer specified property, rights and liabilities to a specified person;
 - (d) to make property, staff or facilities available, on such terms or conditions as may be specified in the direction, to the Commission for Equality and Human Rights;
 - (e) not to take action of a specified kind or in specified circumstances.
- (3) The Secretary of State may direct a former Commission to prepare a scheme for the transfer of specified property, rights and liabilities to—
- (a) the Commission for Equality and Human Rights, or
 - (b) another person specified in the direction.
- (4) If the Secretary of State gives a direction under subsection (3)—
- (a) the former Commission shall prepare a scheme in accordance with the direction, having consulted either the Commission for Equality and Human Rights or the person specified under subsection (3)(b), and
 - (b) the scheme shall have effect—
 - (i) when approved by the Secretary of State, and
 - (ii) subject to any modifications made by him, having consulted the former Commission and either the Commission for Equality and Human Rights or the person specified under subsection (3)(b).
- (5) Where a former Commission ceases to exist by virtue of section 36(1)(a), its property, rights and liabilities shall by virtue of this subsection vest in the Commission for Equality and Human Rights (and this subsection operates in addition to any transfer provided for by virtue of subsection (1) above).
- (6) An order, direction or scheme under or by virtue of this section may, in particular—
- (a) specify property, rights or liabilities;
 - (b) specify a class or description of property, rights or liabilities;
 - (c) specify property, rights or liabilities to a specified extent.

38 Transfer of property: supplemental

- (1) A direction under section 37—
- (a) shall be in writing,
 - (b) may be given only following consultation with the former Commission to which the direction relates and, where the Secretary of State thinks it appropriate, the Commission for Equality and Human Rights, and
 - (c) may be varied or revoked by a further direction.
- (2) In so far as is appropriate as a consequence of a transfer effected by or by virtue of section 37—
- (a) anything done by or in relation to any of the former Commissions which has effect immediately before the transfer shall continue to have effect as if done by or in relation to the Commission for Equality and Human Rights, and
 - (b) anything (including any legal proceedings) which immediately before the transfer is in the process of being done by or in relation to any of the former Commissions may be continued by or in relation to the Commission for Equality and Human Rights.

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- (3) In so far as is appropriate in consequence of a transfer effected by or by virtue of section 37 a reference to any of the former Commissions in an agreement, instrument or other document shall be treated as a reference to the Commission for Equality and Human Rights.
- (4) Section 37, and a direction, scheme or order under or by virtue of that section, shall operate in relation to property, rights or liabilities—
- (a) whether or not they would otherwise be capable of being transferred,
 - (b) without any instrument or other formality being required, and
 - (c) irrespective of any requirement for consent that would otherwise apply.
- (5) A scheme or order under or by virtue of section 37 which relates to rights or liabilities under a contract of employment—
- (a) must provide for the application of the [F1Transfer of Undertakings (Protection of Employment) Regulations 2006]^{F1}, and
 - (b) must provide that for any purpose relating to an employee of a former commission who becomes an employee of the Commission for Equality and Human Rights by virtue of the scheme or order—
 - (i) a period of employment with the former commission shall be treated as a period of employment with the Commission for Equality and Human Rights, and
 - (ii) the transfer to that Commission shall not be treated as a break in service.

Textual Amendments

- F1** Words in s. 38(5) substituted (6.4.2006) by virtue of [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 20, **Sch. 2 para. 1(I)** (with application according to reg. 21(1))

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. 21(8) inserted by [2023 c. 51 s. 4\(2\)](#)
- s. 24A(1)(aa) inserted by [2023 c. 51 s. 4\(3\)](#)