



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

General powers

13 Information, advice, &c.

- (1) In pursuance of its duties under sections 8 [^{F1}and 9] the Commission may—
- publish or otherwise disseminate ideas or information;
 - undertake research;
 - provide education or training;
 - give advice or guidance (whether about the effect or operation of an enactment or otherwise);
 - arrange for a person to do anything within paragraphs (a) to (d);
 - act jointly with, co-operate with or assist a person doing anything within paragraphs (a) to (d).
- (2) The reference to giving advice in subsection (1)(d) does not include a reference to preparing, or assisting in the preparation of, a document to be used for the purpose of legal proceedings.

Textual Amendments

- F1** Words in s. 13(1) substituted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), ss. 64(7), 103(2)

14 Codes of practice

- [^{F2}(1) The Commission may issue a code of practice in connection with any matter addressed by the Equality Act 2010.]

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- ^{F3}(2) A code of practice under subsection (1) shall contain provision designed—
- (a) to ensure or facilitate compliance with [^{F4}the Equality Act 2010 or an enactment made under that Act], or
 - (b) to promote equality of opportunity.
- (3) The Commission may issue a code of practice giving practical guidance to landlords and tenants in England or Wales about—
- (a) circumstances in which a tenant requires the consent of his landlord to make a relevant improvement, within the meaning of [^{F5}section 190(7) of the Equality Act 2010] (improvements), to a dwelling house,
 - (b) reasonableness in relation to that consent, and
 - (c) the application in relation to relevant improvements (within that meaning) to dwelling houses of—
 - (i) section 19(2) of the Landlord and Tenant Act 1927 (c. 36) (consent to improvements),
 - (ii) sections 81 to 85 of the Housing Act 1980 (c. 51) (tenant's improvements),
 - (iii) sections 97 to 99 of the Housing Act 1985 (c. 68) (tenant's improvements), and
 - [^{F6}(iv) section 190 of the Equality Act 2010.]
- (4) The Commission may issue a code of practice giving practical guidance to landlords and tenants of houses (within the meaning of the Housing (Scotland) Act 2006 (asp 01)) in Scotland about—
- (a) circumstances in which the tenant requires the consent of the landlord to carry out work in relation to the house for the purpose of making the house suitable for the accommodation, welfare or employment of any disabled person who occupies, or intends to occupy, the house as a sole or main residence,
 - (b) circumstances in which it is unreasonable to withhold that consent,
 - (c) circumstances in which any condition imposed on the granting of that consent is unreasonable, and
 - (d) the application in relation to such work of—
 - (i) sections 28 to 31 and 34(6) of the Housing (Scotland) Act 2001 (asp 10), and
 - (ii) sections 52, 53 and 64(6) of the Housing (Scotland) Act 2006 (asp 01).
- (5) The Commission shall comply with a direction of the [^{F7}Secretary of State] to issue a code under this section in connection with a specified matter if—
- (a) the matter is not [^{F8}a matter addressed by the Equality Act 2010], but
 - (b) the [^{F9}Minister]^{F9} expects to add it by order under section 15(6).
- (6) Before issuing a code under this section the Commission shall—
- (a) publish proposals, and
 - (b) consult such persons as it thinks appropriate.
- (7) Before issuing a code under this section the Commission shall submit a draft to the [^{F10}Secretary of State], who shall—
- (a) if he approves the draft—
 - (i) notify the Commission, and

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- (ii) lay a copy before Parliament, or
 - (b) otherwise, give the Commission written reasons why he does not approve the draft.
- (8) Where a draft is laid before Parliament under subsection (7)(a)(ii), if neither House passes a resolution disapproving the draft within 40 days—
- (a) the Commission may issue the code in the form of the draft, and
 - (b) it shall come into force in accordance with provision made by the [^{F10}Secretary of State] by order.
- (9) If, or in so far as, a code relates to a duty imposed by or under [^{F11}section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty)] the [^{F10}Secretary of State] shall consult the Scottish Ministers and the [^{F12}Welsh Ministers]^{F12} before—
- (a) approving a draft under subsection (7)(a) above, or
 - (b) making an order under subsection (8)(b) above.
- (10) In relation to a code of practice under subsection (4), the [^{F10}Secretary of State] shall consult the Scottish Ministers before—
- (a) approving a draft under subsection (7)(a) above, or
 - (b) making an order under subsection (8)(b) above.

Textual Amendments

- F2** S. 14(1) substituted (6.7.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 65(2)** (with ss. 6(4), 205); S.I. 2010/1736, art. 3(1)(b) (with art. 3(2))
- F3** S. 14(1)(i) and preceding word inserted (1.10.2006) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), reg. 49(1), **Sch. 8 para. 38(3)** (with regs. 44-46)
- F4** Words in s. 14(2)(a) substituted (6.7.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 65(3)** (with ss. 6(4), 205); S.I. 2010/1736, art. 3(1)(b) (with art. 3(2))
- F5** Words in s. 14(3)(a) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 65(4)(a)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(v) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F6** S. 14(3)(c)(iv) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 65(4)(b)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(v) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F7** Words in s. 14(5) substituted (18.8.2010) by Transfer of Functions (Equality) Order 2010 (S.I. 2010/1839), art. 1(2), **Sch. para. 7(2)(d)**
- F8** Words in s. 14(5)(a) substituted (6.7.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 65(5)** (with ss. 6(4), 205); S.I. 2010/1736, art. 3(1)(b) (with art. 3(2))
- F9** S. 14(5)(7)-(10): "Minister" substituted (12.10.2007) for "Secretary of State" in each place by The Transfer of Functions (Equality) Order 2007 (S.I. 2007/2914), art. 8, **Sch. para. 16(d)**
- F10** Words in s. 14(7)-(10) substituted (18.8.2010) by Transfer of Functions (Equality) Order 2010 (S.I. 2010/1839), art. 1(2), **Sch. para. 7(2)(d)**
- F11** Words in s. 14(9) substituted (5.4.2011) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 65(6)** (with ss. 6(4), 205); S.I. 2011/1066, art. 2(g)(ii)
- F12** Words in s. 14(9) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 114** the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - Government of Wales Act 2006 (c. 32), ss. 46, 161(5)

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15 Codes of practice: supplemental

- (1) The Commission may revise a code issued under section 14; and a reference in this section or in that section to the issue of a code shall be treated as including a reference to the revision of a code.
- (2) The 40 day period specified in section 14(8)—
 - (a) shall begin with the date on which the draft is laid before both Houses (or, if laid before each House on a different date, with the later date), and
 - (b) shall be taken not to include a period during which—
 - (i) Parliament is prorogued or dissolved, or
 - (ii) both Houses are adjourned for more than four days.
- (3) A code issued under section 14 may be revoked by the [^{F13}Secretary of State], at the request of the Commission, by order.
- (4) A failure to comply with a provision of a code shall not of itself make a person liable to criminal or civil proceedings; but a code—
 - (a) shall be admissible in evidence in criminal or civil proceedings, and
 - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (5) Subsection (4)(b) does not apply in relation to a code issued under section 14(4).
- (6) The [^{F14}Secretary of State] may by order amend section 14 so as to vary the range of matters that codes of practice under that section may address.

Textual Amendments

- F13** Words in s. 15(3) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(2\)\(e\)](#)
- F14** Words in s. 15(6) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(2\)\(e\)](#)

16 Inquiries

- (1) The Commission may conduct an inquiry into a matter relating to any of the Commission's duties under sections 8 [^{F15}and 9].
- (2) If in the course of an inquiry the Commission begins to suspect that a person may have committed an unlawful act—
 - (a) in continuing the inquiry the Commission shall, so far as possible, avoid further consideration of whether or not the person has committed an unlawful act,
 - (b) the Commission may commence an investigation into that question under section 20,
 - (c) the Commission may use information or evidence acquired in the course of the inquiry for the purpose of the investigation, and
 - (d) the Commission shall so far as possible ensure (whether by aborting or suspending the inquiry or otherwise) that any aspects of the inquiry which concern the person investigated, or may require his involvement, are not pursued while the investigation is in progress.

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- (3) The report of an inquiry—
- (a) may not state (whether expressly or by necessary implication) that a specified or identifiable person has committed an unlawful act, and
 - (b) shall not otherwise refer to the activities of a specified or identifiable person unless the Commission thinks that the reference—
 - (i) will not harm the person, or
 - (ii) is necessary in order for the report adequately to reflect the results of the inquiry.
- (4) Subsections (2) and (3) shall not prevent an inquiry from considering or reporting a matter relating to human rights (whether or not a necessary implication arises in relation to the [^{F16}Equality Act 2010]).
- (5) Before settling a report of an inquiry which records findings which in the Commission's opinion are of an adverse nature and relate (whether expressly or by necessary implication) to a specified or identifiable person the Commission shall—
- (a) send a draft of the report to the person,
 - (b) specify a period of at least 28 days during which he may make written representations about the draft, and
 - (c) consider any representations made.
- (6) Schedule 2 makes supplemental provision about inquiries.

Textual Amendments

- F15** Words in s. 16(1) substituted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 64\(8\)](#), [103\(2\)](#)
- F16** Words in s. 16(4) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), [s. 216\(3\)](#), [Sch. 26 para. 66](#) (with [ss. 6\(4\)](#), [205](#)); [S.I. 2010/2317](#), [art. 2\(15\)\(e\)\(vi\)](#) (as amended (1.10.2010) by [S.I. 2010/2337](#), [art. 2](#))

17 Grants

- (1) In pursuance of any of its duties under sections 8 [^{F17}and 9] the Commission may make grants to another person.
- (2) A grant under subsection (1) may be made subject to conditions (which may, in particular, include conditions as to repayment).
- (3) A power under this Part to co-operate with or assist a person may not be exercised by the provision of financial assistance otherwise than in accordance with this section.

Textual Amendments

- F17** Words in s. 17(1) substituted (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 64\(9\)](#), [103\(2\)](#)

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18 Human rights

In pursuance of its duties under section 9 the Commission may (without prejudice to the generality of section 13) co-operate with persons interested in human rights within the United Kingdom or elsewhere.

F18 19 Groups

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Textual Amendments
F18 S. 19 omitted (25.6.2013) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 64(1)(a)**, 103(2)

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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\(3\)](#)