



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 to 10 the Commission may—
- (a) publish or otherwise disseminate ideas or information;
 - (b) undertake research;
 - (c) provide education or training;
 - (d) give advice or guidance (whether about the effect or operation of an enactment or otherwise);
 - (e) arrange for a person to do anything within paragraphs (a) to (d);
 - (f) 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.

14 Codes of practice

- (1) The Commission may issue a code of practice in connection with a matter addressed by any of the following—
- (a) the Equal Pay Act 1970 (c. 41),
 - (b) Parts 2 to 4 and section 76A of the Sex Discrimination Act 1975 (c. 65) or an order under section 76B or 76C of that Act,
 - (c) Parts 2 to 4 and section 71 of the Race Relations Act 1976 (c. 74),

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- (d) Parts 2 to 4 and 5A of the Disability Discrimination Act 1995 (c. 50) except for sections 28D and 28E (accessibility in schools),
 - (e) Part 2 of this Act,
 - (f) regulations under Part 3 of this Act,
 - (g) Parts 2 and 3 of the Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661), and
 - (h) Parts 2 and 3 of the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660).
- (2) A code of practice under subsection (1) shall contain provision designed—
- (a) to ensure or facilitate compliance with a provision or enactment listed in subsection (1), 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 section 49G(7) of the Disability Discrimination Act 1995 (c. 50) (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
 - (iv) section 49G of the Disability Discrimination Act 1995.
- (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 Secretary of State to issue a code under this section in connection with a specified matter if—
- (a) the matter is not listed in subsection (1), but
 - (b) the Secretary of State expects to add it by order under section 15(6).

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- (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 Secretary of State, who shall—
 - (a) if he approves the draft—
 - (i) notify the Commission, and
 - (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 Secretary of State by order.
- (9) If, or in so far as, a code relates to a duty imposed by or under section 76A, 76B or 76C of the Sex Discrimination Act 1975 (c. 65), section 71 of the Race Relations Act 1976 (c. 74) or section 49A or 49D of the Disability Discrimination Act 1995 (c. 50) (public authorities: general anti-discrimination duties) the Secretary of State shall consult the Scottish Ministers and the National Assembly for Wales 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 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.

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 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

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(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 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.

16 Inquiries

(1) The Commission may conduct an inquiry into a matter relating to any of the Commission's duties under sections 8, 9 and 10.

(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.

(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 equality enactments).

(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.

17 Grants

- (1) In pursuance of any of its duties under sections 8 to 10 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.

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.

19 Groups

- (1) In pursuance of its duties under section 10 the Commission may do anything specified in this section (without prejudice to the generality of section 13).
- (2) The Commission may make, co-operate with or assist in arrangements—
 - (a) for the monitoring of kinds of crime affecting certain groups;
 - (b) designed to prevent or reduce crime within or affecting certain groups;
 - (c) for activities (whether social, recreational, sporting, civic, educational or otherwise) designed to involve members of groups.