



Equality Act 2006

2006 CHAPTER 3

PART 3

DISCRIMINATION ON GROUNDS OF SEXUAL ORIENTATION

81 Regulations

- (1) The [^{F1}Secretary of State] may by regulations make provision about discrimination or harassment on grounds of sexual orientation.
- (2) In subsection (1) “sexual orientation” has the meaning given by section 35.
- (3) The regulations may, in particular—
 - (a) make provision of a kind similar to Part 2 of this Act;
 - (b) define discrimination;
 - (c) define harassment;
 - (d) make provision for enforcement (which may, in particular, include provision—
 - (i) creating a criminal offence of a kind similar to, and with the same maximum penalties as, an offence created by an enactment relating to discrimination or equality;
 - (ii) about validity and revision of contracts;
 - (iii) about discriminatory advertisements;
 - (iv) about instructing or causing discrimination or harassment);
 - (e) provide for exceptions (whether or not of a kind similar to those provided for by Part 2 of this Act or any other enactment relating to discrimination or equality);
 - (f) make provision which applies generally or only in specified cases or circumstances;
 - (g) make different provision for different cases or circumstances;
 - (h) include incidental or consequential provision (which may include provision amending an enactment);
 - (i) include transitional provision.

Status: Point in time view as at 18/08/2010.

Changes to legislation: Equality Act 2006, Part 3 is up to date with all changes known to be in force on or before 13 May 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)

- (4) The regulations—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (5) In subsection (3)(h) “enactment” includes an enactment in or under an Act of the Scottish Parliament.

^{F2}[^{F3}(6)]

Textual Amendments

- F1** Words in s. 81(1) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(2\)\(n\)](#)
- F2** S. 81(6) omitted (18.8.2010) by virtue of [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 7\(5\)](#)
- F3** S. 81(6) inserted (12.10.2007) by [The Transfer of Functions \(Equality\) Order 2007 \(S.I. 2007/2914\)](#), art. 8, [Sch. para. 15\(3\)](#)

82 Regulations for Northern Ireland

- (1) The Office of the First Minister and deputy First Minister may by regulations make provision about discrimination or harassment on grounds of sexual orientation.
- (2) In subsection (1) “sexual orientation” has the same meaning as in the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (SR 2003 No. 497).
- (3) The regulations may, in particular—
- (a) make provision of a kind similar to Part 3 of the Race Relations Order (discrimination on grounds of race, etc. other than in employment field) and Part 4 of that Order so far as it applies for the purposes of Part 3;
 - (b) define discrimination;
 - (c) define harassment;
 - (d) make provision for enforcement (which may, in particular, include provision—
 - (i) creating a criminal offence of a kind similar to, and with the same maximum penalties as, an offence created by the Race Relations Order;
 - (ii) about validity and revision of contracts;
 - (iii) about discriminatory advertisements;
 - (iv) about instructing or causing discrimination or harassment);
 - (e) provide for exceptions (whether or not of a kind similar to those provided for by Part 6 of the Race Relations Order or any other enactment relating to discrimination);
 - (f) confer powers or impose duties or restrictions on the Equality Commission for Northern Ireland of a kind similar to those conferred or imposed on the Commission by Part 7 of the Race Relations Order;
 - (g) make provision which applies generally or only in specified cases or circumstances;

Status: Point in time view as at 18/08/2010.

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- (h) make different provision for different cases or circumstances;
 - (i) include incidental or consequential provision (which may include provision amending an enactment);
 - (j) include transitional provision.
- (4) The power to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (SI 1979/ 1573 (NI 12)).
- (5) Regulations may not be made under this section unless a draft has been laid before and approved by resolution of the Northern Ireland Assembly.
- (6) In this section—
- “the Race Relations Order” means the Race Relations (Northern Ireland) Order 1997 (SI 1997/869 (N.I. 6));
 - “enactment” includes an enactment contained in or made under Northern Ireland legislation.

Status:

Point in time view as at 18/08/2010.

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