



Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

The Commission

7 Scotland: human rights

- (1) The Commission shall not take human rights action in relation to a matter if the Scottish Parliament has legislative competence to enable a person to take action of that kind in relation to that matter.
- (2) In subsection (1) “human rights action” means action taken—
 - (a) in accordance with section 9(1), and
 - (b) under, by virtue of or in pursuance of—
 - (i) section 11(1) in so far as it relates to the Human Rights Act 1998 (c. 42),
 - (ii) section 11(2)(c) or (d),
 - (iii) section 12,
 - (iv) section 13,
 - (v) section 16,
 - (vi) section 17, or
 - (vii) section 30.
- (3) Despite section 9(4), the Commission shall not, in the course of fulfilling a duty under section 8^{F1}..., consider the question whether a person's human rights have been contravened if the Scottish Parliament has legislative competence to enable a person to consider that question.
- (4) Subsections (1) and (3) shall not prevent the Commission from taking action with the consent (whether general or specific) of a person if—
 - (a) the person is established by Act of the Scottish Parliament, and

Changes to legislation: Equality Act 2006, Section 7 is up to date with all changes known to be in force on or before 02 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) the person's principal duties relate to human rights and are similar to any of the Commission's duties under section 9.
- (5) Subsections (1) and (3) shall not prevent the Commission from relying on section 13(1)(f) so as to act jointly or cooperate (but not assist) for a purpose relating to human rights and connected with Scotland.

Textual Amendments

- F1** Words in s. 7(3) omitted (25.6.2013) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), ss. 64(4), 103(2)

Changes to legislation:

Equality Act 2006, Section 7 is up to date with all changes known to be in force on or before 02 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.

[View outstanding changes](#)

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\(3\)](#)