

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16: General and Miscellaneous

Schedule 18: Public sector equality duty: exceptions

Effect

918. This Schedule lists exceptions to the coverage of the public sector equality duty.
919. [Paragraph 1](#) disapplies the equality duty with respect to age in relation to the education of pupils in schools and the provision of services to pupils in schools and in relation to children's homes.
920. [Paragraph 2](#) disapplies the equality of opportunity limb of the equality duty in relation to immigration functions in respect of race (except as it includes "colour"), religion or belief and age.
921. [Paragraph 3](#) disapplies the equality duty in respect of judicial functions or functions exercised on behalf of, or on the instructions of, a person exercising judicial functions. A judicial function includes judicial functions which are carried out by persons other than a court or tribunal, for example courts martial.
922. [Paragraph 4](#) disapplies the equality duty in respect of any public functions (as that term is defined for the purposes of the Human Rights Act 1998) performed by the persons listed in sub-paragraph (2), or in relation to the functions listed in sub-paragraph (3).
923. [Paragraph 5](#) contains a power for a Minister of the Crown by order to add, change or remove an exception to the scope of the equality duty. However, this power cannot be used to remove or limit the exceptions relating to judicial functions or those relating to Parliament, the Scottish Parliament, the National Assembly for Wales and the General Synod.