



Equality Act 2010

2010 CHAPTER 15

PART 1

SOCIO-ECONOMIC INEQUALITIES

1 Public sector duty regarding socio-economic inequalities

- (1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.
- (2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued by a Minister of the Crown.
- (3) The authorities to which this section applies are—
 - (a) a Minister of the Crown;
 - (b) a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Head-quarters;
 - (c) a county council or district council in England;
 - (d) the Greater London Authority;
 - (e) a London borough council;
 - (f) the Common Council of the City of London in its capacity as a local authority;
 - (g) the Council of the Isles of Scilly;
 - (h) a Strategic Health Authority established under section 13 of the National Health Service Act 2006, or continued in existence by virtue of that section;
 - (i) a Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section;
 - (j) a regional development agency established by the Regional Development Agencies Act 1998;
 - (k) a police authority established for an area in England.
- (4) This section also applies to an authority that—

Status: This is the original version (as it was originally enacted).

- (a) is a partner authority in relation to a responsible local authority, and
- (b) does not fall within subsection (3),

but only in relation to its participation in the preparation or modification of a sustainable community strategy.

(5) In subsection (4)—

“partner authority” has the meaning given by section 104 of the Local Government and Public Involvement in Health Act 2007;

“responsible local authority” has the meaning given by section 103 of that Act;

“sustainable community strategy” means a strategy prepared under section 4 of the Local Government Act 2000.

(6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration and Asylum Act 1999.

2 Power to amend section 1

(1) A Minister of the Crown may by regulations amend section 1 so as to—

- (a) add a public authority to the authorities that are subject to the duty under subsection (1) of that section;
- (b) remove an authority from those that are subject to the duty;
- (c) make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;
- (d) in the case of an authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.

(2) In subsection (1) “public authority” means an authority that has functions of a public nature.

(3) Provision made under subsection (1) may not impose a duty on an authority in relation to any devolved Scottish functions or devolved Welsh functions.

(4) The Scottish Ministers or the Welsh Ministers may by regulations amend section 1 so as to—

- (a) add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;
- (b) remove a relevant authority from those that are subject to the duty;
- (c) make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;
- (d) in the case of a relevant authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.

(5) For the purposes of the power conferred by subsection (4) on the Scottish Ministers, “relevant authority” means an authority whose functions—

- (a) are exercisable only in or as regards Scotland,
- (b) are wholly or mainly devolved Scottish functions, and
- (c) correspond or are similar to those of an authority for the time being specified in section 1(3).

- (6) For the purposes of the power conferred by subsection (4) on the Welsh Ministers, “relevant authority” means an authority whose functions—
- (a) are exercisable only in or as regards Wales,
 - (b) are wholly or mainly devolved Welsh functions, and
 - (c) correspond or are similar to those of an authority for the time being specified in subsection (3) of section 1 or referred to in subsection (4) of that section.
- (7) Before making regulations under this section, the Scottish Ministers or the Welsh Ministers must consult a Minister of the Crown.
- (8) Regulations under this section may make any amendments of section 1 that appear to the Minister or Ministers to be necessary or expedient in consequence of provision made under subsection (1) or (as the case may be) subsection (4).
- (9) Provision made by the Scottish Ministers or the Welsh Ministers in reliance on subsection (8) may, in particular, amend section 1 so as to—
- (a) confer on the Ministers a power to issue guidance;
 - (b) require a relevant authority to take into account any guidance issued under a power conferred by virtue of paragraph (a);
 - (c) disapply section 1(2) in consequence of the imposition of a requirement by virtue of paragraph (b).
- (10) Before issuing guidance under a power conferred by virtue of subsection (9)(a), the Ministers must—
- (a) take into account any guidance issued by a Minister of the Crown under section 1;
 - (b) consult a Minister of the Crown.
- (11) For the purposes of this section—
- (a) a function is a devolved Scottish function if it is exercisable in or as regards Scotland and it does not relate to reserved matters (within the meaning of the Scotland Act 1998);
 - (b) a function is a devolved Welsh function if it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or to a matter within the legislative competence of the National Assembly for Wales.

3 Enforcement

A failure in respect of a performance of a duty under section 1 does not confer a cause of action at private law.