



Equality Act 2010

2010 CHAPTER 15

PART 16 **E+W+S**

GENERAL AND MISCELLANEOUS

Subordinate legislation

209 The Welsh Ministers **E+W+S**

- (1) This section applies where the power to make an order or regulations under this Act is exercisable by the Welsh Ministers.
- (2) A statutory instrument containing (whether alone or with other provision) an order or regulations mentioned in subsection (3) is subject to the affirmative procedure.
- (3) The orders and regulations referred to in subsection (2) are—
 - (a) regulations under section 2 (socio-economic inequalities);
 - (b) an order under section 151 (power to amend list of public authorities for the purposes of the public sector equality duty);
 - (c) regulations under section 153 or 154(2) (public sector equality duty: powers to impose specific duties);
 - (d) regulations under section 155(5) that amend an Act of Parliament or an Act or Measure of the National Assembly for Wales (public sector equality duty: power to modify or remove specific duties);
 - [^{F1}(e) regulations under paragraph 6, 6A or 6F of Schedule 17 (tribunal procedure, case friends and capacity of parents and persons over compulsory school age).]
- (4) But a statutory instrument is not subject to the affirmative procedure by virtue of subsection (2) merely because it contains an order under section 151 that provides for—
 - (a) the omission of an entry where the authority concerned has ceased to exist, or
 - (b) the variation of an entry where the authority concerned has changed its name.

Changes to legislation: Equality Act 2010, Section 209 is up to date with all changes known to be in force on or before 24 April 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

- (5) A statutory instrument that is not subject to the affirmative procedure by virtue of subsection (2) is subject to the negative procedure.
- (6) If a statutory instrument is subject to the affirmative procedure, the order or regulations contained in it must not be made unless a draft of the instrument is laid before and approved by a resolution of the National Assembly for Wales.
- (7) If a statutory instrument is subject to the negative procedure, it is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Textual Amendments

- F1** S. 209(3)(e) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 19(4)**; S.I. 2020/1182, reg. 3(1)(n); S.I. 2021/373, art. 8(j)(xxxiii)

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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. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)