

EXPLANATORY MEMORANDUM TO
THE RACE RELATIONS ACT 1976 (AMENDMENT) REGULATIONS 2008
2008 No. 3008

1. This explanatory memorandum has been prepared by the Government Equalities Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 The Race Relations Act 1976 (Amendment) Regulations 2008 (“the Regulations”) amend the Race Relations Act 1976 (as amended). The effect of the Regulations is to put it beyond any doubt that indirect discrimination on racial grounds would cover the ‘deterred applicant’ (ie a person who is put off applying for a job or using a service etc. for which they are otherwise qualified because of an implication that they will be discriminated against should they attempt to do so) as much as it covers the person who actually applies for the job or service and is then discriminated against.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Context**

4.1 The Race Directive implements the principle of equal treatment between persons irrespective of racial or ethnic origin, in the areas of employment (and related matters), social protection, social advantage, education and access to and supply of, goods and services which are available to the public, including housing. The member states of the European Union were required to transpose the Race Directive into domestic law by 19 July 2003. Much of the necessary legislation was already in domestically in the form of the Race Relations Act 1976. However, where additional changes to the law were needed to complete transposition of the Race Directive these were done by the Race Relations Act (Amendment) Regulations 2003 (SI 2003/1626) (“the 2003 Regulations”).

4.2 The Race Relations Act 1976, as it was originally enacted, already contained a definition of indirect discrimination in s1(1)(b). However, the Race Directive introduced a different definition of indirect discrimination that subsequently had to be transposed into domestic legislation. A new definition of indirect discrimination, based on the Race Directive definition, was therefore inserted into s1 of the Race Relations Act 1976 by the 2003 Regulations at s1(1A).

4.3 However, when the European Commission (“the Commission”) subsequently considered how the UK had transposed the new definition of indirect discrimination into domestic legislation, it came to the conclusion that the transposition actually failed to transpose the new indirect discrimination provisions of the Race Directive correctly. The Commission duly issued a notice, Reasoned Opinion Infringement No 2005/2363 (“the Reasoned Opinion”), on 27 June 2007 stating its reasons for why it considered that the UK had incorrectly transposed the relevant provisions of the Race Directive.

4.4 In its response to the Reasoned Opinion of 24 August 2007, the Government agreed to make a further amendment to the Race Relations Act 1976 to address the Commission’s concerns regarding the transposition of the indirect discrimination provisions. These Regulations are being made in fulfilment of that commitment.

4.5 The negative resolution Parliamentary procedure is being used because the Regulations are necessary to implement the Reasoned Opinion with which the UK Government has agreed to comply as soon as reasonably practicable and which leaves little discretion as to the amendments being made.

4.6 A brief scrutiny history follows, and a Supplementary Transposition Note addressing how these Regulations implement the Race Directive is attached to this Memorandum.

Scrutiny History

The scrutiny history of Council Directive 2000/43/EC is as follows:

House of Lords

The House of Lords European Union Select Committee considered the Race Directive in its report dated 16 May 2000. The Committee felt that proposals to implement Article 13 of the EC Treaty raised important questions of policy and principle and therefore recommended its Report on the Directive for debate by the House. This debate was held on 30 June 2000 and the Directive was approved by the House at the end thereof.

House of Commons

The House of Commons European Scrutiny Committee considered the Directive in its 9th Report for the 1999 – 2000 session, which was published on 24 June 2000. The Directive was considered in conjunction with a joint Ministerial paper from the Minister of State at the Home Office (Mrs Barbara Roche) and the Minister for Employment, Welfare to Work and Equal Opportunities at the Department for Education and Employment (The Rt. Hon. Tessa Jowell). The European Scrutiny Committee cleared this Directive in this Report.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain. In Northern Ireland, separate but equivalent legislation on race discrimination applies. Separate regulations are being brought forward in Northern Ireland to make equivalent changes to the Race Relations (Northern Ireland) Order 1997.

6. European Convention on Human Rights

Maria Eagle, Parliamentary Secretary, Government Equalities Office has made the following statement regarding Human Rights:

“In my view the provisions of the Race Relations Act 1976 (Amendment) Regulations 2008 are compatible with the Convention rights”.

7. Policy background

Policy

7.1 Indirect discrimination on the grounds of race is prohibited under both European and domestic law. Indirect discrimination broadly occurs when a provision, criterion or practice that *prima facie* appears neutral has a disproportionately adverse effect on a class of persons protected under discrimination law. Any such provision, criterion or practice is however not unlawful if it can be objectively justified. For example, a requirement by an employer that her staff are clean shaven (a “no beards policy”) while applying to all staff equally and so appearing to be neutral, would in fact adversely affect Sikhs. A Sikh employee who was dismissed because he refused to

shave could bring a claim for indirect discrimination and it would be for the employer to show that the no beards policy could be objectively justified.

7.2 Article 2(2)(b) of the Race Directive covers the example given above. It also covers the situation where a person is deterred from even applying for a job or seeking access to a facility or service because he knows that an apparently neutral rule will prevent him from getting the job or being provided with the facility or service (the “deterred applicant” situation). Using the Sikh example - if a Sikh man sees an advert for a job for which he is qualified, but he does not apply for it because he knows that the company operates a no beards policy which would prevent him getting the job, he could bring a claim for indirect discrimination. (Again, it would be for the employer to show that the no beards policy could be objectively justified).

7.3 Another example of a “deterred applicant” situation, but this time outside of the employment context, is where a private college advertises a course stating that an applicant must have a GCSE in English (rather than requiring GCSE English or its equivalent). A potential applicant is Asian who obtained the equivalent of GCSE English in India. Although he is interested in the course, the Asian does not apply because he knows that he does not have the necessary GCSE qualification. The Asian would be able to bring a claim for indirect discrimination against the course provider. It would then be for the course provider to objectively justify its policy of a GCSE in English being a prerequisite for the course.

7.4 It is important to note that Article 2(2)(b) is not intended to cover allegations of purely hypothetical indirect discrimination, for example by a person who never intended to apply for the job or would not be qualified for it, irrespective of the discriminatory requirement. Hence, in the above example of the private college, if the college also requires that potential students can show that they have sufficient financial resources to pay the course fees, and the potential Asian student does not have such resources, he would not be able to bring a claim of indirect discrimination.

7.5 In its Reasoned Opinion, the Commission was concerned that the definition of indirect discrimination in section 1(1A) of the Race Relations Act 1976 did not cover the situations outlined in paragraphs 7.2 and 7.3 above i.e. the deterred applicant situation.

7.6 In order to ensure clarity and to address the Commissions’ concerns, these Regulations amend section 1(1A) of the Race Relations Act 1976 to make clear that its provisions cover both individuals who are put at a disadvantage by a discriminatory provision, criterion or practice and also those that *would be put* at such a disadvantage. This amendment makes it clear that the Race Relations Act 1976 would protect a person who is deterred by a discriminatory provision, criterion or practice from seeking employment or the provision of goods and services for which he or she is otherwise qualified or entitled. The amendment does not however cover purely hypothetical situations, such as where an individual has no intention of seeking employment or access to the goods or services in question or is not qualified to undertake the employment or entitled to the goods or services. This is because there is a requirement to show disadvantage: if a person has no intention of applying for the job or is not otherwise qualified for the job, he would be unable to show how he would have suffered a disadvantage.

Consolidation

7.7 There is no intention to consolidate the Race Relations Act 1976 to take account of the minor amendment to section 1(1A) Race Relations Act 1976 contained in these Regulations.

8. Consultation outcome

8.1 The implementation of the Race Directive has already been the subject of extensive discussions with stakeholders. Since the adoption of the Race Directive there have been two formal consultation exercises in the UK. The first one was “Towards Equality and Diversity”, and the second one was “Equality and Diversity: The Way Ahead”. The 2003 Regulations were

informed by the comments and detailed suggestions received in response to these consultation exercises. The current Regulations are not changing the policy contained in the 2003 Regulations, rather they are simply providing greater transparency as to the Race Directive's provisions on indirect discrimination in line with the Commission's reasoned opinion on this matter. Consequently, no further consultation has been carried out.

9. Guidance

9.1 As these Regulations will not be introducing new policy, as their purpose is simply to clarify the existing protection afforded against indirect discrimination to the "deterred applicant", there is no intention to produce any further guidance for these provisions.

10. Impact

10.1 The impact on business, charities or voluntary bodies is expected to be minimal.

10.2 The impact of the amendments on the public sector overall is expected to be minimal.

10.3 An Impact Assessment is attached to this memorandum. Copies are available to the public free of charge, from the Government Equalities Office, 5th Floor, Eland House, Bressenden Place, London, SW1E 5DU. Copies will also be available in the library of both Houses of Parliament.

11. Regulating small business

11.1 These Regulations apply to small business.

11.2 These Regulations are not introducing new requirements. The principle of being prohibited from indirectly discriminating in relation to the "deterred applicant" already applies to small business. For this reason, no consultation has been undertaken with regard to businesses employing up to 20 people in order to decide whether any exemptions to these provisions should apply to them.

12. Monitoring and review

12.1 Monitoring and reviewing the effectiveness of these Regulations will be included in the monitoring duties of the Equality and Human Rights Commission.

13. Contact

13.1 Yemi Atiku at the Government Equalities Office Tel: 020 7944 082 or e-mail: yemi.atiku@geo.gsi.gov.uk can answer any queries regarding the instrument.

Race Relations Act 1976 (Amendment) Regulations 2008

Transposition Note

Council Directive 2000/43/EC of 29 June 2000 (“the Directive”) implementing the principle of equal treatment between persons irrespective of racial or ethnic origins.

The Directive prohibits discrimination in the fields of employment, vocational training, social protection, including social security and healthcare, social advantages, education and access to goods and services, including housing, on the grounds of racial or ethnic origins. It is implemented in the United Kingdom by existing law and these amending Regulations. These Regulations amend the Race Relations Act 1976, as amended by the Race Relations Act 1976 (Amendment) Regulations 2003. These Regulations do what is necessary to implement in Great Britain the definition of indirect discrimination in the Directive in accordance with the Commission for the European Communities Reasoned Opinion of 29 June 2007.

This table has been prepared by the Government Equalities Office. It sets out the objective of Article 2(2)(b) of the Directive and how it is to be fully implemented in Great Britain following the Reasoned Opinion of the Commission of the European Communities. The Lord Privy Seal is responsible for each aspect of implementation.

Article of 2000/43/EC	Objective	Implementation
2(2)(b)	Defines indirect discrimination.	Regulation 2 (racial discrimination) amends the Directive based definition of indirect discrimination in section 1(1A) of the Race Relations Act 1976 so as to make clear that it covers both individuals who are put at a disadvantage by a discriminatory provision, criterion or practice and also those who would be put at a disadvantage.

Government Equalities Office

Summary: Intervention & Options

Department /Agency: Government Equalities Office	Title: Impact Assessment of the Race Relations Act 1976 (Amendment) Regulations 2008	
Stage: Final	Version: 1	Date: November 2008
Related Publications: The Regulatory Impact Assessment for the UK's implementation of Council Directive 2000/43/EC.		

Available to view or download at:

<http://www>.

Contact for enquiries: Yemi Atiku

Telephone: 0207 9440827

What is the problem under consideration? Why is government intervention necessary?

EU member states were required to transpose Council Directive 2000/43/EC ("the Race Directive") into domestic law by 19th July 2003. Although much of what was required was already in place in the Race Relations Act 1976 (RRA), the Directive introduced some new requirements. Therefore, in order to comply fully with Directive, the Race Relations Act 1976 (Amendment) Regulations 2003 were enacted. However, the European Commission subsequently expressed the opinion that the UK had not adequately transposed the provisions of Directive into domestic law in relation to indirect discrimination.

What are the policy objectives and the intended effects?

These Regulations aim to address the issue raised by the Commission in respect of indirect discrimination. The Regulations will amend the provisions relating to indirect discrimination on grounds of race or ethnic or national origin in those areas with which the Race Directive is concerned, in order to make clear that indirect discrimination covers the "deterred applicant".

What policy options have been considered? Please justify any preferred option.

The UK Government considered in detail whether it was actually in breach of its obligations under the Race Directive. Initially it was considered that domestic law already covered and provided remedies for all instances of indirect discrimination (including the "deterred applicant"). However, given the fact that it is arguable that current legislation does not transpose the provisions of the Directive in a sufficiently transparent manner, we have decided to put this matter beyond doubt by passing these clarifactory regulations.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The reviewing and monitoring of the provisions in these regulations will be undertaken by the Equalities and Human Rights Commission as part of its overall equality monitoring duties.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Maria Eagle.....Date: 19th November 2008

Summary: Analysis & Evidence

Policy Option: 1	Description:
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' The changes to legislation are clarificatory, not new policy. As such there will be a negligible one-off familiarisation cost applicable to small private and medium to large private and public bodies (£2.41 and £2.60 per organisation respectively).		
	One-off (Transition) Yrs			
	£ 781,000			1
	Average Annual Cost (excluding one-off)			5
	£	Total Cost (PV)	£	
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' Clearer understanding of the law will enable employers take the necessary action that will prevent them from falling foul of the law. This in turn will result in averting potential legal costs being incurred and further reduce the burdens on courts/tribunals.		
	One-off Yrs			
	£			
	Average Annual Benefit (excluding one-off)			
	£	Total Benefit (PV)	£	
Other key non-monetised benefits by 'main affected groups' Members of ethnic minority groups, in particular, will benefit from greater clarity that a person who is deterred from applying for employment, or a good, facility or service, by a discriminatory provision criterion or practice, can obtain redress.				

Key Assumptions/Sensitivities/Risks As the amendment is clarificatory, the cost to businesses will be minimal. Also, we are assuming it will take minutes for them to familiarise themselves with the change and that only 20% of small businesses will actually familiarize themselves with the amendment. We assume that all medium/large businesses will though.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?	Great Britain
On what date will the policy be implemented?	December 2008
Which organisation(s) will enforce the policy?	EHRC
What is the total annual cost of enforcement for these organisations?	£
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	Yes
What is the value of the proposed offsetting measure per year?	£ n/a
What is the value of changes in greenhouse gas emissions?	£ n/a
Will the proposal have a significant impact on competition?	No
Annual cost (£-£) per organisation (excluding one-off)	Micro Small Medium Large
Are any of these organisations exempt?	No No N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)
Increase of £	Decrease of £	Net Impact £

Kev:	Annual costs and benefits: Constant Prices	(Net) Present Value
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[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Background to Indirect Discrimination – “deterred applicant”

Indirect discrimination on the grounds of race is prohibited under both European and UK law. Indirect discrimination broadly occurs when provisions, criteria or practices, which *prima facie*, appear neutral, may have a disproportionately adverse effect on a class of persons protected under discrimination law. It is important to note though, that such provisions, criteria or practices are not unlawful if they can be justified as being a proportionate means of achieving a legitimate aim. For example, a requirement by an employer that his staff be clean-shaven (“a no beards policy”), while applying to all staff equally and so appearing, *prima facie*, to be neutral, would, in fact, adversely affect Sikhs. A Sikh employee who is dismissed because he refuses to shave could therefore bring a claim for indirect discrimination and it would be for the employer to show that his policy is justified as being a proportionate means of achieving a legitimate aim.

Article 2(2)(b) of the Race Directive covers the example given above. It also covers the situation where a person is deterred from even applying for a job or seeking access to a good, facility or service because he knows that an apparently neutral provision, criterion or practice will prevent him from being employed or from being provided with the good, facility or service (the “deterred applicant”). Using the Sikh example again, if the Sikh man sees an advert for a job for which he is qualified but he does not apply because he knows that the company operates a “no beards policy” which would prevent him getting the job, he will be entitled to bring a claim against that organisation for indirect discrimination.

It should be noted however that Article 2(2)(b) is not intended to cover allegations of purely hypothetical indirect discrimination. For example, by a person who never intended to apply for the job or is not qualified to do the job.

In its Reasoned Opinion, the Commission expressed the concern that the definition of indirect discrimination in s1(1A) of the RRA does not cover the situation outlined above (i.e. the “deterred applicant”). Section 1(1A) states that:

“A person also discriminates against another if, in any circumstances relevant for the purposes of any provision referred to in subsection (1B), he applies to that other a provision, criterion or practice, which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but –

- (a) which puts or would put a persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons;
- (b) which puts that other at that disadvantage;
- (c) which he cannot show to be a proportionate means of achieving a legitimate aim.”

The particular part of the provision which the Commission has taken issue is section 1(1A)(b), which seems to the Commission to require that there should be an actual disadvantage caused before it could be said that discrimination had occurred. The UK’s view however, is that the interpretation of this provision is arguable either way.

It is useful to note that s29 of the RRA 1976 does, in fact, make it unlawful to publish advertisements which indicate, or might reasonably be understood as indicating, an intention to discriminate on certain grounds. It would therefore be unlikely that, for example, a business would intentionally discriminate (either directly or indirectly) in the terms which it offers employment or any other service, bearing in mind the provisions of s29.

OPTIONS:

1, DO NOTHING

If we do nothing, the Commission will refer the matter to the European Court of Justice (ECJ), which will almost certainly rule against the UK. This will result in time and money being expended on legal action that could have been averted by taking necessary remedial action. Also, should the ECJ rule against the UK, which is more than likely, her hitherto good record of transposing EU legislation will be blemished.

2. PROMULGATE REMEDIAL REGULATIONS

In order to address the Commission's specific concern about the definition of indirect discrimination in relation to the "deterred applicant", we should make a clarifactory amendment to the RRA by promulgating commensurate Regulations.

These Regulations will amend section 1(1A) of the RRA to make it clear that its provisions cover individuals who are put at a disadvantage by a discriminatory provision, criterion or practice and also those who *would be put* at a disadvantage (the "deterred applicant"). The amendment will make it clear that the RRA protects a person who is "deterred" by a discriminatory provision, criterion or practice from seeking employment for which he or she is qualified or from accessing good, facility or service for which he or she would otherwise be entitled to receive.

Benefits

The Government considers that option 2 is necessary and will provide absolute clarity to the existing law on indirect discrimination and ensure compliance with our EU obligation in relation to transposing European Community Directives.

Costs

We anticipate that the associated costs of this provision will be negligible per individual organisations (somewhere in the region of about £2.41 – £2.60 per organisation with regard to familiarisation).

For the vast majority of organisations, this clarification will be cost neutral.

Familiarisation costs of the Race Directive

	Time required	Unit cost	Cost per firm	Number of firms	Total cost (£m)
Smaller firms	1/12 hour (5 mins)	£28.95	£2.41	1,280,830	£3.086 (÷ 5 as we estimate that only 20% of firms will familiarise themselves with this change = £0.617)
Medium & large firms	1/12 hour(5 mins)	£31.28	£2.60	37,970	£0.098
Public authorities	1/12 hour (5 mins)	£31.28	£2.60	25,491	£0.066
Total					£0.781

DATA SOURCE

Number of Firms

Type of Firm		Number	Data Source
Smaller Firms	With Employees	1,280,830	Small Business Statistics 2006
Medium to Large Firms	Firms with over 50 employees	37,970	Small Business Statistics 2006
Public Bodies		25,491	ONS, the Employers' Organisation for Local Government, the Scottish Executive, DCSF & Cabinet Office

Wage Costs

	Gross Hourly Wage	30% uplift non labour costs	Data Source
Smaller Firms			
General administrator/manager	£22.27	£ 28.95	Annual Survey on Hours and Earnings (ASHE) 2007, Code 11
Medium & Large Firms			
Dedicated personnel manager	£24.06	£ 31.28	Annual Survey on Hours and Earnings (ASHE) 2007, Code 1135
Public bodies			
Dedicated personnel manager	£24.06	£ 31.28	Annual Survey on Hours and Earnings (ASHE) 2007, Code 1135

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	Yes
Sustainable Development	No	Yes
Carbon Assessment	No	Yes
Other Environment	No	Yes
Health Impact Assessment	No	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	Yes

SPECIFIC IMPACT TEST ASSESSMENTS

COMPETITION ASSESSMENT

Our proposed amendment to the RRA 1976 will not have an adverse impact on competition.

SMALL FIRMS IMPACT TEST

We have considered the document “Small Firms Impact Test – Guidance for Policy Makers” and we can confirm that our proposed amendments to the RRA 1976 will have no significant cost impact on small businesses other than the familiarisation costs that we have pointed out above.

JUSTIFICATION

Our proposed amendment is merely a clarification of legislation that has been in existence since 2003. Small businesses therefore already have a duty not to discriminate indirectly and potentially deter prospective job applicants and/or service users from applying for certain jobs or services. Therefore, the provisions of these regulations will not be introducing any additional burdens on small firms.

CONCLUSION

Amending the RRA 1976 will have no significant impact on small business.

LEGAL AID & COURT TIME

As we are not aware of any court cases on this deterred applicant issue, we are therefore assuming that organisations are fully aware of their responsibilities under existing indirect discrimination legislation.

Therefore, the proposed clarification of the RRA will not have an adverse impact on public funding and court time.

SUSTAINABLE DEVELOPMENT

Our proposed amendment to the RRA 1976 will not have an adverse impact on sustainable development.

CARBON ASSESSMENT

Our proposed amendment to the RRA 1976 will not have an adverse impact on carbon assessment.

OTHER ENVIRONMENT

Our proposed amendment to the RRA 1976 will not have an adverse impact on other environmental issues.

HEALTH IMPACT ASSESSMENT

HEALTH IMPACT OF OUR PROPOSAL

Having carefully considered the health impact of this clarification of existing legislation, it is our position that clarifying the position of the deterred applicant and ensuring that he has a channel through which he can gain compensation that will take him back to the position he was in prior to the breach occurring, these regulations will have a positive impact on the deterred applicant's health and this in turn will cut down potential drains on the National Health Service budgets in relation to treatments for stress, anxiety and any other health implications victims of indirect discrimination may suffer.

WILL THERE BE PUBLIC / COMMUNITY CONCERNS OVER HEALTH IMPACTS OF THE PROPOSED LEGISLATIVE AMENDMENTS?

We are confident there will not be any public / community concerns over the proposed clarification to existing legislation that we intend to bring forward via these regulations.

RACE EQUALITY

DOES OUR POLICY ADVERSELY IMPACT ON RACIAL EQUALITY?

Clearly as what we are aiming to do is clarify existing race legislation in line with the Commission's reasoned opinion on the UK's transposition of Directive 200/43 EC, these regulations are bound to have race equality implication.

However, our position is that as these regulations are merely a clarification of legislation that has been in existence since 2003 when the Race Relations Act 1976 (Amendment) Regulations 2003 came into force, the impact of these regulations will be insignificant in relation to costs. However, the amendment will have a positive impact in relation to the right of "deterred applicants", who hitherto these regulations may have been unclear whether they had a cause of action against organisations that may have indirectly discriminated against them.

CONCLUSION:

We are therefore confident that these clarification regulations will not adversely impact on racial equality and as a result a "full assessment" is unnecessary.

DISABILITY EQUALITY

Our proposed amendment to the RRA 1976 will not have an adverse impact on disability equality policy.

GENDER EQUALITY

Our proposed amendment to the RRA 1976 will not have an adverse impact on gender equality policy.

HUMAN RIGHTS

We are confident that this clarification of already existing legislation will not have any adverse human right implications. To the contrary, this clarification will enable those that genuinely consider themselves to be “deterred applicants” to enforce their rights not to be indirectly discriminated on the grounds of their race, ethnic or national origin against a minority of unscrupulous employers and/or service providers.

RURAL PROOFING

“Rural proofing” is a commitment of this Government to ensure that all its domestic policies take account of rural circumstances and needs. Rural proofing is now a mandatory part of the policy process, which means that as policies are developed, policy-makers should systematically:

- assess the likely impact of policy on rural areas
- assess the impacts where new policies will be most significant
- adjust the proposed policy where appropriate, offering solutions that will meet rural needs and circumstances.

We have carefully considered whether our proposed clarification of the RRA 1976 will have any adverse impacts on rural areas.

CONCLUSION

Amending the RRA 1976 for the purpose of clarifying the definition of indirect discrimination in line with concerns raised by the Commission will have no impact on rural areas.