
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Equality Act 2010 (c.15) (“the 2010 Act”). It also amends section 76A of the Sex Discrimination Act 1975 (c. 65) (“the 1975 Act”), section 71 of the Race Relations Act 1976 (c.74) (“the 1976 Act”) and section 49D of the Disability Discrimination Act 1995 (c.50) (“the 1995 Act”) and makes a number of savings to those Acts.

The Equality Act 2010 (Commencement Order No 1) 2010 S.I. 2010/1736 (C.91) brought into force a number of provisions of the 2010 Act for the purpose of making subordinate legislation, Codes of Practice and guidance. The core provisions of that Act will be commenced in a further, separate, Commencement Order. This Order will come into force on the same day as those core provisions.

The amendments in this Order are consequential on and, in a small number of cases, supplemental to, the commencement of the provisions brought into force by the second Commencement Order. Articles 2 to 14 contain minor amendments to the 2010 Act and are supplemental to the commencement of the sections they amend. Articles 3, 6 and 7 amend sections 87, 132, 134 and 136 to correct inadvertent omissions to ensure that those provisions of the 2010 Act work effectively in Scotland as well as England and Wales. Article 4 amends section 94 of the 2010 Act to provide a definition relating to the conferring of qualifications. Article 5 amends section 108(4) to clarify an ambiguity. Articles 8 and 11 change references to “Community law” in the 2010 Act to “EU law” to reflect the coming into force of the Treaty of Lisbon, amending the Treaty Establishing the European Union and the Treaty Establishing the European Community (European Communities No.13 (2007), Cm 7294). Articles 9 and 10 amend the 2010 Act to reflect recent changes made by other legislation; the Apprenticeships, Learning, Skills and Children Act 2009 (c. 22) and the Rail Passengers’ Rights and Responsibilities Order 2010 (S.I. No 2010/1504).

Articles 14 to 16 amend the sections of the 1975 Act, the 1976 Act and the 1995 Act that provide for the public sector equality duty, so that these sections refer to the key concepts of the 2010 Act. These are transitional provisions which are required until the public sector duty provisions of the 2010 Act are commenced. A number of savings are also made.

Schedule 1 amends Schedule 26 to the Act which contains consequential amendments to other legislation by adding further amendments to other Acts. Schedule 2 amends Schedule 27 to the Act by substituting the table of repeals in Schedule 27 with a table that contains additional repeals.