

## SCHEDULE 1

### Amendments to Schedule 26 to the Act

5. After paragraph 15 of Schedule 26 insert the following—

“16. In section 28(1) (orders etc.), omit subsections (2), (3) and (4)(a).

17. In section 29(1)(2) (interpretation), omit the definition of “the 1975 Act”.

### **Local Government and Housing Act 1989**

18. In section 7(2) of the Local Government and Housing Act 1989(3) (requirement for appointments to be on merit to be subject to discrimination law)—

(a) omit paragraphs (c), (d) and (f), and

(b) at the end insert—

“(g) sections 39, 40 and 49 to 51 of the Equality Act 2010 (employees and office-holders), so far as relating to disability, and Schedule 8 to that Act (reasonable adjustments for disabled persons) so far as it applies in relation to sections 39 and 49 to 51 of that Act;

(h) paragraph 1 of Schedule 9 to that Act (occupational requirements), so far as relating to sex, pregnancy and maternity, marriage and civil partnership, gender reassignment or race.”.

### **Enterprise and New Towns (Scotland) Act 1990**

19. The Enterprise and New Towns (Scotland) Act 1990(4) is amended as follows.

20. In section 2(4)(a)(5) (functions in relation to training for employment etc.) for “section 3(1) of the Race Relations Act 1976” substitute “section 9 of the Equality Act 2010”.

21. In section 16(2)(6) (courses of training etc.: duty to give preference to certain categories) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

22. For section 17 (encouragement of women, members of minority racial groups and disabled persons to take advantage of opportunities for certain work etc) substitute—

#### **“17 Encouragement of women, members of ethnic minorities and disabled persons to take up certain employment opportunities and training**

(1) Scottish Enterprise and Highlands and Islands Enterprise shall each, in exercising its functions, promote such actions by any employer as are lawful by virtue of section 158 of the Equality Act 2010 (the “2010 Act”) (positive action: general) in relation to—

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(1) Section 28 was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraph 40 and the Education and Inspections Act 2006 (c. 40); Schedule 18, Part II. The functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, Schedule 1.

(2) Section 29(1) was amended by the Employment Rights Act 1996 (c. 18), Schedule 3, Part I.

(3) 1989 c.42; section 7(2) was amended by the Disability Discrimination Act 1995 (c. 50), Schedule 6, paragraph 5 and Schedule 7; the Fire and Rescue Services Act 2004 (c. 21), Schedule 2 and by S.I. 2003/1673, regulation 31(1). By virtue of the Environment Act 1995 (c. 25), Schedule 7, paragraph 13(7) the section also applies to any paid office or employment under a National Park authority.

(4) 1990 c. 35.

(5) Section 2(4)(a) was amended by Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(2) and (4)(b).

(6) Section 16(2) was amended by the Disability Discrimination Act 1995 (c. 50), Schedule 6, paragraph 6.

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- (a) affording access to facilities for training, and
  - (b) encouraging persons to take advantage of opportunities for taking up that employer's work.
- (2) This section applies to the protected characteristics of sex, race and disability within the meaning of the 2010 Act.
- (3) This section is without prejudice to paragraph (a) of section 2(4) of this Act or to any provision of the 2010 Act prohibiting discrimination within the meaning of that Act.”.

### **Further and Higher Education Act 1992**

**23.** In section 62(7B) of the Further and Higher Education Act 1992(7) (higher education funding councils) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

### **Trade Union and Labour Relations (Consolidation) Act 1992**

**24.**—(1) Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992(8) (tribunal jurisdictions where failure by employer or employee to comply with applicable code of practice may affect the level of damages) is amended as follows.

- (2) Omit the entries relating to—
- (a) the Equal Pay Act 1970(9);
  - (b) the Sex Discrimination Act 1975;(10)
  - (c) the Race Relations Act 1976;(11)
  - (d) the Disability Discrimination Act 1995;
  - (e) the Employment Equality (Sexual Orientation) Regulations 2003(12);
  - (f) the Employment Equality (Religion or Belief) Regulations 2003(13);
  - (g) the Employment Equality (Age) Regulations 2006(14).
- (3) At the end of the entries relating to provisions of Acts, insert—
- “Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”

### **Trade Union Reform and Employment Rights Act 1993**

**25.** In section 39(2) of the Trade Union Reform and Employment Rights Act 1993(15) (agreements not to take proceedings before employment tribunal) omit “the Sex Discrimination Act 1975, the Race Relations Act 1976, and”.

**26.** In Schedule 6(16) (compromise contracts) omit paragraphs 1 and 2.

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(7) 1992 c. 13; section 62(7B) was inserted by the Disability Discrimination Act 1995 (c. 50), section 30(5).

(8) 1992 c. 52; Schedule A2 was inserted by the Employment Act 2008 (c. 24), section 3(3).

(9) 1970 c. 41.

(10) 1975 c.65.

(11) 1976 c.74.

(12) S.I. 2003/1661.

(13) S.I. 2003/1660.

(14) S.I. 2006/1031.

(15) 1993 c.19; section 39(2) was amended by the Employment Rights Act 1996 (c. 18), Schedule 3, Part I.

(16) Schedule 6 was amended by the Employment Rights Act 1996 (c. 18), Schedule 3 Part 1 and the Employment Rights (Dispute Resolution) Act (c. 8) 1998, Schedule 2.

### **Employment Tribunals Act 1996**

**27.** The Employment Tribunals Act 1996(17) is amended as follows.

**28.** In section 5(2)(c) (remuneration, fees and allowances) for “2A(1)(b) of the Equal Pay Act 1970” substitute “131(2) of the Equality Act 2010”.

**29.** In section 7(3)(h)(18) (employment tribunal procedure regulations) for “2A(1)(b) of the Equal Pay Act 1970” substitute “131(2) of the Equality Act 2010”.

**30.** In section 12(1)(19) (restriction of publicity in disability cases) for “section 17A or 25(8) of the Disability Discrimination Act 1995” substitute “section 120 of the Equality Act 2010, where the complaint relates to disability”.

**31.** In section 18(1) (tribunal proceedings to which conciliation provisions apply)—

(a) for paragraph (a)(20) substitute—

“(a) under section 120 or 127 of the Equality Act 2010,” and

(b) omit paragraphs (c), (k), (l) and (r)(21).

**32.** In section 21(1)(22) (Jurisdiction of appeal tribunal)—

(a) omit paragraphs (a), (b), (c), (e),(l), (m) and (s)(23); and

(b) at the end of the entries relating to provisions in Acts, insert—

“(ge) the Equality Act 2010.”.

### **Employment Rights Act 1996**

**33.—**(1) Section 126 of the Employment Rights Act 1996(24) (acts which are both unfair dismissal and discrimination) is amended as follows.

(2) In subsection (1) for paragraph (b)(25) substitute—

“(b) the Equality Act 2010.”.

(3) In subsection (2)(26)—

(a) for “any one of those Acts or Regulations” substitute “either of those Acts”, and

(b) for “any other of them” substitute “the other”.

### **Housing Grants, Construction and Regeneration Act 1996**

**34.** In section 126 of the Housing Grants, Construction and Regeneration Act 1996(27) (Secretary of State’s power to give financial assistance etc), in subsection (3), in the

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(17) 1996 c. 17.

(18) Section 7(3)(h) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).

(19) Section 12(1) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a) and S.I. 2003/1673 regulation 31(2).

(20) Section 18(1)(a) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).

(21) Paragraph (c) was amended by S.I. 2003/1673, regulation 31(2). Paragraph (k) was inserted by S.I. 2003/1661, Schedule 5, paragraph 1(a)(ii); paragraph (l) was inserted by S.I. 2003/1660, Schedule 5, paragraph 1(a)(ii) and paragraph (r) was inserted by S.I. 2006/1031, Schedule 8, paragraphs 18 and 19(1) and (3).

(22) Section 21(1) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a).

(23) Paragraph (l) was inserted by S.I. 2003/1661, Schedule 5 paragraph 1(b)(ii); paragraph (m) by S.I. 2003/1660, Schedule 6, paragraph 1(b)(ii) and paragraph (s) by S.I. 2006/1031, Schedule 8, paragraphs 18 and 20(1) and (3).

(24) 1996 c. 18.

(25) Section 126(1)(b) was substituted by S.I. 2006/1031, Schedule 8, paragraphs 21 and 29.

(26) Subsection (2) was amended by the Employment Rights (Dispute Resolution) Act 1998, sections 1(2)(a) and 14(4) and Schedule 2.

(27) 1996 c. 53; the functions of the Secretary of State, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) Schedule 1.

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definition of “racial group”, for “the Race Relations Act 1976” substitute “section 9 of the Equality Act 2010”.

## Education Act 1996

**35.** The Education Act 1996(**28**) is amended as follows.

**36.**—(1) Section 317 of the Education Act 1996 (duties of governing bodies etc in relation to pupils with special educational needs) is amended as follows.

(2) In subsection (6)(b)(iv)(**29**) for “section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”)” substitute “paragraph 3 of Schedule 10 to the Equality Act 2010 (“the 2010 Act”)”.

(3) For subsection (6A) substitute—

“(6A) In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.”.

**37.** In section 336(4A)(**30**) (tribunal procedure) for “claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995” substitute “claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability.”.

**38.** In section 509AC(5)(**31**)(interpretation etc), in the definition of “disabled person”, for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

**39.** Omit section 583(5) (commencement etc: transitory provision relating to the Disability Discrimination Act 1995).

**40.** In Schedule 35B(**32**) (meaning of eligible child etc), paragraph 15(4), for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

**41.** In Schedule 35C(**33**) (school travel schemes), paragraph 14, in the definition of “disabled child”, for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

**42.**—(1) In Schedule 36A(**34**) (education functions of local authorities) the table is amended as follows.

(2) Omit the entries relating to the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.

(3) Insert at the end—

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### “Equality Act 2010 (c. 15)

Section 29(7) in its application to a local Duty to make reasonable adjustments for disabled authority’s functions under the Education Acts persons.

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(28) 1996 c. 56

(29) Section 317(6) (along with subsections (5) and (6A)) were substituted by the Education Act 2005 (c. 18), Schedule 18, paragraph 2.

(30) Subsection 336(4A) was inserted by the Special Educational Needs Tribunal Act 2001 (c. 10), Schedule 8, paragraphs 1, 13(1) and (5). It was amended by S.I. 2008/2833, Schedule 3 paragraphs 127 and 133.

(31) Section 509AC was inserted by the Education Act 2002 (c. 32) Schedule 19 paragraphs 1 and 5.

(32) Schedule 35A was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 8.

(33) Schedule 35C was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 9.

(34) Schedule 36A was inserted by S.I. 2010/1158.

Section 85(6)	Duty (as responsible body) to make reasonable adjustments for disabled pupils.
Section 92(6)	Duty (as responsible body) to make reasonable adjustments for disabled persons in further and higher education.
Section 93(6)	Duty (as responsible body) to make reasonable adjustments for disabled persons in the provision of recreational or training facilities.
paragraph 1 of Schedule 10	Duty to prepare and implement accessibility strategy.
paragraph 3 of Schedule 10	Duty (as responsible body) to prepare and implement an accessibility plan.”

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### **Teaching and Higher Education Act 1998**

**43.** In section 1(4) of the Teaching and Higher Education Act 1998(**35**) (the General Teaching Council for England) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

### **School Standards and Framework Act 1998**

**44.** The School Standards and Framework Act 1998(**36**) is amended as follows.

**45.** In Schedule 5, in paragraph 6(**37**) (adjudicators, procedure) for subparagraphs (a) to (c) substitute—

- “(a) section 71 of the Race Relations Act 1976, or
- (b) Parts 3 and 6 of the Equality Act 2010,”.

**46.—**(1) In Schedule 6, Part 5 (procedures for making transitional exemption orders in Wales) paragraph 22(4)(**38**) is amended as follows.

(2) For the definition of “the 1975 Act” substitute—

““the 2010 Act” means the Equality Act 2010,”.

(3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “section 85 of the 2010 Act”.

(4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

(5) For “section 27(1) of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

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(35) 1998 c.30; functions of the Secretary of State under Part 1 of this Act, so far as exercisable in Wales were transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), Schedule 1.

(36) 1998 c. 31.

(37) Paragraph 6 of Schedule 5 was amended by the Race Relations (Amendment) Act 2000 (c. 34), Schedule 2, paragraph 31 and by the Special Educational Needs and Disability Act 2001 (c. 10), Schedule 8, paragraph 23(1) and (3) and Schedule 9.

(38) Paragraph 22(4) of Schedule 6, was inserted by the Education and Inspections Act 2006 (c. 40), Schedule 3, paragraph 33(1) and (18)(c).

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**47.**—(1) In Schedule 7, in Part 6 (transitional exemption orders, interpretation) paragraph 16(6)(**39**) is amended as follows.

(2) For the definition of the 1975 Act substitute—

““the 2010 Act” means the Equality Act 2010,”

(3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “section 85 of the 2010 Act”.

(4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

(5) For “section 27(1) of the 1975 Act” substitute “paragraph 3 of Schedule 11 to the 2010 Act”.

### **Transport Act 2000**

**48.** In section 112(2) of the Transport Act 2000(**40**) (plans and strategies: supplementary) for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

### **Employment Act 2002**

**49.**—(1) Schedule 5 to the Employment Act 2002(**41**) (tribunal jurisdiction) is amended as follows.

(2) Omit the entries relating to—

(a) the Equal Pay Act 1970(**42**);

(b) the Sex Discrimination Act 1975(**43**);

(c) the Race Relations Act 1976(**44**);

(d) the Disability Discrimination Act 1995(**45**);

(e) the Employment Equality (Sexual Orientation) Regulations 2003(**46**);

(f) the Employment Equality (Religion or Belief) Regulations 2003(**47**);

(g) the Employment Equality (Age) Regulations 2006(**48**).

(3) At the end of the entries relating to provisions of Acts, insert—

“Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)”.

### **Income Tax (Earnings and Pensions) Act 2003**

**50.** The Income Tax (Earnings and Pensions) Act 2003(**49**) is amended as follows.

(39) Paragraph 16 of Schedule 7 was repealed by the Education Act 2005 (c. 18), Schedule 12, paragraph 14(1) and (14) and Schedule 19, Part 2. The repeal has not yet been brought into force in respect of subparagraph 16(6) as the definitions in that sub-paragraph, apply for the purposes of paragraph 17 of Schedule 7.

(40) 2000 c. 38; section 112(2) was amended by the Local Transport Act 2008 (c. 26) sections 10(1), (3) and (5), 11 (1) and (2) and Schedule 7 Part 1.

(41) 2002 c. 22.

(42) 1970 c. 41.

(43) 1975 c. 65.

(44) 1976 c. 74.

(45) Reference to this Act amended by S.I. 2003/1673.

(46) Reference to these Regulations inserted by S.I. 2003/1661, Schedule 5, paragraph 4(c).

(47) Reference to these Regulations inserted by S.I. 2003/1660, Schedule 5, paragraph 4(c).

(48) References to these Regulations inserted by S.I. 2006/1031, Schedule 8, paragraph 36(1) and (2)(c).

(49) 2003 c. 1.

**51.** In section 439(4)(**50**) (chargeable events) after “within the meaning of” insert “the Equality Act 2010 in England and Wales and Scotland, or”.

**52.** In section 477(5)(**51**) (chargeable events) after “within the meaning of” insert “the Equality Act 2010 in England and Wales and Scotland, or”.

### **Communications Act 2003**

**53.** The Communications Act 2003(**52**) is amended as follows.

**54.** In section 27(5) (training and equality of opportunity)—

- (a) in the definition of “disabled” after “meaning as in” insert “the Equality Act 2010 or, in Northern Ireland,”, and
- (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “Equality Act 2010”.

**55.** In section 337(9) (promotion of equal opportunities and training)—

- (a) in the definition of “disabled” after “meaning as in” insert “the Equality Act 2010 or, in Northern Ireland,”, and
- (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “Equality Act 2010”.

**56.** In Schedule 12, in paragraph 23(6) (obligations of the Welsh Authority in relation to equality of opportunity)—

- (a) in the definition of “disability” after “meaning as in” insert “the Equality Act 2010 or, in Northern Ireland,”, and
- (b) in the definition of “racial group” for “Race Relations Act 1976 (c 74)” substitute “the Equality Act 2010”.

### **Finance Act 2004**

**57.** The Finance Act 2004(**53**) is amended as follows.

**58.** In section 172A(5)(db)(**54**) (surrender of pension benefits etc) for—

- (a) “the Employment Equality (Age) Regulations 2006 or” substitute “Part 5 of the Equality Act 2010, so far as relating to age, or the”, and
- (b) for “them” substitute “those Regulations.”.

**59.** In paragraphs 11D(2A) and (2B)(b), 12(2C)(d) and 14(3A) and (3D)(a)(**55**) of Schedule 36 (pension schemes etc: transitional provisions and savings)—

- (a) for “the Employment Equality (Age) Regulations 2006, or” substitute “Part 5 of the Equality Act 2010, so far as relating to age, or the”, and
- (b) for “them” substitute “those Regulations.”.

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(50) Section 439 was substituted by the [Finance Act 2003\(c.14\)](#), Schedule 22, paragraphs 1 and 4(1).

(51) Section 477 was substituted by the Finance Act 2003, Schedule 22 paragraphs 1 and 10(1).

(52) [2003 c. 21](#).

(53) [2004 c. 12](#).

(54) Section 172A(5)(db) was inserted by the Finance Act [2007 \(c.11\)](#) Schedule 20, paragraphs 1 and 6(1) and (2).

(55) Paragraphs 11(2A) to (2C), 12(2A) to (2C) and 14(3A) to (3D) were inserted by the Finance Act [2006 \(c. 25\)](#), Schedule 20, paragraphs 1 and 15, 16, 17(1) and (3) and 18.

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### **Serious Organised Crime and Police Act 2005**

**60.** Section 56 of the Serious Organised Crime and Police Act 2005<sup>(56)</sup> (the title to which becomes “Application of discrimination legislation to SOCA seconded staff: Northern Ireland”) is amended as follows—

- (a) in subsection (2), omit paragraphs (a) and (b); and
- (b) in subsection (4), omit paragraphs (a), (b), (g) and (h) and the “and” preceding each of paragraphs (g) and (h).”.

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<sup>(56)</sup> 2005 c.15; section 56 was amended by the Equality Act 2006 (c. 3), section 75(5) and S.I. 2007/1263, regulation 31(5).