
EXPLANATORY NOTE

(This note is not part of the Order)

This is the fourth Commencement Order made under the Equality Act 2010 (c.15) (“the 2010 Act”). The Equality Act 2010 (Commencement Order No. 1) 2010 (S.I. 2010/1736) (C. 91), the Equality Act 2010 (Commencement Order No. 2) 2010 (S.I. 2010/1966) (C. 104) and the Equality Act 2010 (Commencement Order No. 3) 2010 (S.I. 2010/2191) (C. 109) brought into force a number of provisions of the 2010 Act for the purpose of making subordinate legislation, codes of practice and guidance. The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279) amends the 2010 Act, including by adding new provisions to the 2010 Act and renumbering existing provisions, some of which are brought into force by this Order. 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. It also makes consequential amendments to other legislation.

This Order brings various provisions of the 2010 Act into force on 1st October 2010 and sets out savings, consequential, transitional, transitory and incidental provisions and a revocation in relation to existing legislation. These savings, consequential, transitional, transitory and incidental provisions and the revocation are made as a result of the repeal and revocation of previous discrimination legislation and its replacement by the 2010 Act, and of the lapse of previous subordinate legislation because of the repeal of previous discrimination legislation by that Act.

Article 2 sets out the various provisions of the 2010 Act which come into force on 1st October 2010.

Articles 3 and 4 set out the provisions of the 2010 Act relating to the Additional Support Needs Tribunal for Scotland which are to come into force on 18th March 2011 and make a number of savings to the 1995 Act to apply before that date.

Articles 5 and 6 make provision in relation to Wales. Article 5 saves the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002 (S.I. 2002/1985) in relation to Wales and makes a number of consequential amendments to those Regulations until regulations under the relevant provisions of the 2010 Act come into force. Article 6 saves a provision of the 1995 Act in relation to enforcement in Wales.

Articles 7 and 8 set out transitional provisions in respect of various matters. Article 7 provides for the application of the enforcement provisions of the 2010 Act to continuing acts which begin before 1st October 2010 and continue on or after that date. Article 8 sets out a transitional provision in respect of victimisation.

Articles 9 to 14 set out transitory provisions in respect of various matters. Article 9 sets out a transitory provision in relation to the enforcement powers of the Commission for Equality and Human Rights and the public sector equality duty as set out in the 1975, 1976 and 1995 Acts pending the coming into force of equivalent provisions in the 2010 Act. Articles 10 and 11 set out transitory provisions in respect of shipping services and work on ships, work on hovercraft and seafarers, pending regulations to be made under sections 30 and 81 of the 2010 Act respectively. Article 12 sets out a transitory provision in relation to duties applicable to taxis and private hire vehicles in respect of disabled persons, saving certain provisions of the 1995 Act until equivalent duties in section 165 of the 2010 Act are brought into force. Article 13 sets out a transitory provision to the effect that guidance on the meaning of disability made under the 1995 Act (ISBN 978-0-11-703686-4) continues in force until new guidance is made under the 2010 Act. Article 14 sets out a transitory provision to the effect that guidance on the publication of data associated with the use of gender in

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the assessment of insurance risks (ISBN 978-1-84532-436-0) continues in force until new guidance is made under the 2010 Act.

Articles 15 to 22 make savings in respect of various matters. Article 15 provides that, where conduct complained of occurs wholly before 1st October 2010, previous legislation, procedures and remedies are applicable, as if the 2010 Act had not been commenced. Article 16 provides for the continued operation of transitional provisions and savings in previous legislation despite the repeal of that legislation. Article 17 provides that legislation prior to the 1975 Act which was overridden by that Act continues to be of no effect. Article 18 saves certain previous legislation in respect of insurance business in relation to existing insurance policies. Article 19 saves certain provisions of the 1995 Act. Article 20 saves a number of definitions in the Employment Equality (Age) Regulations 2006 (S.I. 2006/1031) as they apply to Schedule 6 to those Regulations (the duty to consider working beyond retirement). Article 21 makes provision to ensure that specified subordinate legislation is to be treated as made under the 2010 Act and saves a provision of the 1995 Act for the purpose of rail vehicle accessibility. Article 22 ensures that guidance relating to accessibility in schools (Ref. LEA/0168/2002) is saved as if made under the 2010 Act.

Article 23 revokes a regulation of the Rail Passengers' Rights and Obligations Regulations 2010 (S.I. 2010/1504). Article 24 sets out consequential and incidental provisions in relation to various provisions of subordinate legislation. Article 25 ensures that references in subordinate legislation to previous discrimination legislation are to be read as if they were the corresponding references to the 2010 Act.

Schedules 1 to 4 list provisions of previous discrimination legislation which are saved in so far as they relate to shipping services and work on ships, work on hovercraft and seafarers.

Schedules 5 and 6 list provisions of previous discrimination legislation which are saved in so far as they relate to insurance business in relation to existing insurance policies.

Schedule 7 lists subordinate legislation which is saved as if made under the 2010 Act.

Schedule 8 sets out consequential and incidental provisions in relation to subordinate legislation. Paragraph 1 makes a number of amendments to Schedules 4 to 6 to the Public Service Vehicles Accessibility Regulations 2000 (S.I. 2000/1970). Paragraphs 2 and 3 make consequential amendments to Regulations made under sections 37 and 37A of the 1995 Act which provide for the form of prescribed exemption notice for drivers of taxis and private hire vehicles respectively. Paragraphs 4 to 6 make consequential amendments to employment tribunals' rules of procedure. Paragraph 7 makes consequential amendments to Schedule 6 to the Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), which has not been repealed and which makes provision for the duty on employers to consider requests of employees who wish to work beyond retirement. Paragraph 8 corrects an error in the title of a statutory instrument (S.I. 2009/876).