

Status: Point in time view as at 01/10/2010.

Changes to legislation: Estate Agents Act 1979, Cross Heading: Discrimination is up to date with all changes known to be in force on or before 10 June 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)

SCHEDULES

SCHEDULE 1

PROVISIONS SUPPLEMENTARY TO SECTION 3(1)

Discrimination

- 2 [F1(1) A person commits discrimination for the purposes of section 3(1)(b) in the following cases only.
- (2) The first case is where—
- (a) the person has been found to have contravened a relevant equality provision, and
 - (b) no appeal against the finding is pending or can be brought.
- (3) The second case is where—
- (a) the person has been given an unlawful act notice under section 21 of the Equality Act 2006,
 - (b) the notice specifies a relevant equality provision as the provision by virtue of which the act in question is unlawful, and
 - (c) no appeal against the giving of the notice is pending or can be brought.
- (4) The third case is where—
- (a) the person is the subject of an injunction, interdict or order under section 24 of the Equality Act 2006 (unlawful acts), and
 - (b) the unlawful act in question is a contravention of a relevant equality provision.
- (5) The relevant equality provisions are—
- (a) Parts 3 and 4 of the Equality Act 2010 (services and premises) so far as relating to discrimination and victimisation, and
 - (b) section 112 of that Act (aiding contraventions) in relation to either of those Parts of that Act so far as relating to discrimination and victimisation.]

Textual Amendments

- F1** Sch. 1 para. 2 substituted (E.W.S.) (1.10.2010) by Equality Act 2010 (c. 15), Sch. 26 Pt. 1 para. 6(2) (as inserted (1.10.2010) by [S.I. 2010/2279](#), art. 1(2), [Sch. 1 para. 2](#) (see [S.I. 2010/2317](#), art. 2))

Marginal Citations

- M1** 1975 c. 65.
M2 1976 c. 74.

- 3 After the expiry of the period of five years beginning on the day on which any such finding or notice as is referred to in paragraph 2 above became final, no person shall be treated for the purposes of section 3(1)(b) of this Act as having committed

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[^{F2}a contravention of a relevant equality provision] by reason only of that finding or notice.

Textual Amendments

F2 Words in Sch. 1 para. 3 substituted by Equality Act 2010 (c. 15), Sch. 26 Pt. 1 para. 6(3) (as inserted (1.10.2010) by S.I. 2010/2279, art. 1(2), Sch. 1 para. 2 (see S.I. 2010/2317, art. 2))

[^{F3}4 For the purposes of paragraphs 2 and 3 “discrimination” and “victimisation” have the same meaning as in the Equality Act 2010.]

Textual Amendments

F3 Sch. 1 para. 4 substituted by Equality Act 2010 (c. 15), Sch. 26 Pt. 1 para. 6(4) (as inserted (1.10.2010) by S.I. 2010/2279, art. 1(2), Sch. 1 para. 2 (see S.I. 2010/2317, art. 2))

5 In the application of paragraphs 2 to 4 above to Northern Ireland references to the 1975 Act shall be construed as references to the ^{M3}Sex Discrimination (Northern Ireland) Order 1976, and in particular—

- (a) the references to sections 38, 39 and 40 of the 1975 Act shall be construed as references to Articles 39, 40 and 41 of that Order;
- (b) the reference to subsections (1) and (4) of section 82 of the 1975 Act shall be construed as a reference to paragraphs (1), (2) and (5) or Article 2 of that Order; and
- (c) other references to numbered sections of the 1975 Act shall be construed as references to the Articles of that Order bearing the same number;

[^{F4}and there shall be omitted sub-paragraphs (e) to (h) of paragraph 2, sub-paragraph (2) of paragraph 4 and so much of paragraph 3 as relates to findings or notices under the 1976 Act.]

Textual Amendments

F4 By S.I. 1997/869 (N.I. 6), art. 73, Sch. 2 para. 2(2); S.R. 1997/273, art. 2(4) it is provided (4.8.1997) that for these words in Sch. 1 para. 5 there shall be substituted para. 6

Marginal Citations

M3 S.I. 1976/1042 (N.I. 15)

^{F5}[6 In the application of paragraphs 2 to 4 above to Northern Ireland references to the 1976 Act shall be construed as references to the Race Relations (Northern Ireland) Order 1997, and in particular the references to sections 29, 30, 31, 57, 62, 63(2)(a) and (4) and 78(1) and (4) of the 1976 Act shall be construed as references to Articles 29, 30, 31, 54, 59, 60(2)(a) and (4) and 2(2) and (3) respectively of that Order.]

Textual Amendments

F5 By S.I. 1997/869 (N.I. 6), art. 73, Sch. 2 para. 2(2); S.R. 1997/273, art. 2(4) it is provided (4.8.1997) that for certain words in Sch. 1 para. 5 there shall be substituted para. 6

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