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# Equality Act 2006

## CHAPTER 3

### EQUALITY ACT 2006

#### PART 1

##### THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

###### *The Commission*

- 1 Establishment
- 2 Constitution, &c.
- 3 General duty
- 4 Strategic plan
- 5 Strategic plan: consultation
- 6 Disclosure
- 7 Scotland: human rights

###### *Duties*

- 8 Equality and diversity
- 9 Human rights
- 10 Groups
- 11 Monitoring the law
- 12 Monitoring progress

###### *General powers*

- 13 Information, advice, &c.
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- 15 Codes of practice: supplemental
- 16 Inquiries
- 17 Grants
- 18 Human rights

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## 19 Groups

### *Enforcement powers*

- 20 Investigations
- 21 Unlawful act notice
- 22 Action plans
- 23 Agreements
- 24 Applications to court
- 25 Application to restrain unlawful advertising, pressure, &c.
- 26 Section 25: supplemental
- 27 Conciliation
- 28 Legal assistance
- 29 Legal assistance: costs
- 30 Judicial review and other legal proceedings
- 31 Public sector duties: assessment
- 32 Public sector duties: compliance notice

### *Interpretation*

- 33 Equality and human rights enactments
- 34 Unlawful
- 35 General

### *Dissolution of Existing Commissions*

- 36 Dissolution
- 37 Transfer of property, &c.
- 38 Transfer of property: supplemental

### *Miscellaneous*

- 39 Orders and regulations
- 40 Consequential amendments
- 41 Transitional: the Commission
- 42 Transitional: functions of the dissolved Commissions
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#### *Key concepts*

- 44 Religion and belief
- 45 Discrimination

#### *Prohibited discrimination*

- 46 Goods, facilities and services
- 47 Premises
- 48 Section 47: exceptions
- 49 Educational establishments
- 50 Section 49: exceptions
- 51 Local education authorities and education authorities
- 52 Public authorities: general

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#### *Other unlawful acts*

- 53 Discriminatory practices
- 54 Discriminatory advertisements
- 55 Instructing or causing discrimination

#### *General exceptions*

- 56 Statutory requirements
- 57 Organisations relating to religion or belief
- 58 Charities relating to religion or belief
- 59 Faith schools, &c.
- 60 Membership requirement
- 61 Education, training and welfare
- 62 Care within family
- 63 National security
- 64 Amendment of exceptions

#### *Enforcement*

- 65 Restriction of proceedings
- 66 Claim of unlawful action
- 67 Immigration
- 68 Remedies
- 69 Timing
- 70 Information
- 71 National security
- 72 Validity and revision of contracts

#### *General*

- 73 Aiding unlawful acts
- 74 Employers' and principals' liability
- 75 Police, &c.
- 76 Indirect provision of benefit, &c.
- 77 Employment Equality Regulations
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- 79 Interpretation
- 80 Territorial application

### **PART 3**

#### DISCRIMINATION ON GROUNDS OF SEXUAL ORIENTATION

- 81 Regulations
- 82 Regulations for Northern Ireland

### **PART 4**

#### PUBLIC FUNCTIONS

#### *Sex discrimination*

- 83 Prohibition of discrimination
- 84 General duty to promote equality, &c.
- 85 Specific duties
- 86 Codes of practice

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87 National security

*Disability discrimination*

88 General duty: exceptions

89 National security

*Race discrimination*

90 National security

**PART 5**

GENERAL

91 Repeals

92 Crown application

93 Commencement

94 Extent

95 Short title

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**SCHEDULES**

SCHEDULE 1 — The Commission: Constitution, &c.

Part 1 — CONSTITUTION

*Membership*

1 (1) The Minister shall appoint not less than 10 or...

2 (1) In appointing Commissioners the Minister shall—

*Tenure*

3 (1) A Commissioner shall hold and vacate office in accordance...

*Chairman*

4 (1) The Minister shall appoint— (a) a Commissioner as Chairman,...

Part 2 — PROCEEDINGS

*Procedure*

5 The Commission may regulate its own proceedings (subject to this...

6 (1) The Commission shall determine a quorum for its meetings....

*Staff*

7 (1) The Commission— (a) shall appoint a chief executive, and...

8 At the end of section 3(2) of the Employers' Liability...

*Investigating Commissioners*

9 (1) The Commission may appoint one or more Investigating Commissioners....

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### *Delegation*

- 10 (1) The Commission may delegate a function—

#### *Committees*

- 11 (1) The Commission may establish one or more committees (to...  
12 (1) The Commission may establish one or more committees to...  
13 A member of a committee shall hold and vacate office...  
14 The Commission— (a) may, to any extent, regulate the proceedings...  
15 (1) The Commission may delegate a function to a decision-making...

#### *Scotland Committee*

- 16 (1) The Commission shall establish a decision-making committee to be...  
17 The Commission shall appoint as the Chairman of the Scotland...  
18 The Commission shall appoint each member of the Scotland Committee...  
19 The Scotland Committee shall advise the Commission about the exercise...  
20 Before exercising a function in a manner which in the...  
21 (1) The power under section 13— (a) shall be treated...  
22 (1) The power under section 11(2)(c)— (a) shall be treated...  
23 In allocating its resources the Commission shall ensure that the...

#### *Wales Committee*

- 24 (1) The Commission shall establish a decision-making committee to be...  
25 The Commission shall appoint as the Chairman of the Wales...  
26 The Commission shall appoint each member of the Wales Committee...  
27 The Wales Committee shall advise the Commission about the exercise...  
28 Before exercising a function in a manner which in the...  
29 (1) The power under section 13— (a) shall be treated...  
30 (1) The power under section 11(2)(c)— (a) shall be treated...  
31 In allocating its resources the Commission shall ensure that the...

### *Annual report*

- 32 (1) The Commission shall for each financial year prepare a...

### *Savings*

- 33 The validity of proceedings of the Commission shall not be...  
34 The validity of proceedings of a committee of the Commission...  
Part 3 — MONEY

### *Remuneration, &c.*

- 35 (1) The Commission may pay to the Chairman, a deputy...  
36 (1) The Commission may pay sums to or in respect...  
37 (1) The Commission may, with the approval of the Minister,...

### *Minister*

- 38 The Minister shall pay to the Commission such sums as...

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### *Charging*

- 39 The Commission may make a charge for a service provided...

### *Accounts*

- 40 (1) The Commission shall— (a) keep proper accounting records, and...

### *Financial year*

- 41 (1) The financial year of the Commission shall be the...  
Part 4 — STATUS, &C.

### *Status*

- 42 (1) The Commission shall not— (a) be regarded as the...

### *Supervision*

- 43 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

### *Disqualifications*

- 44 (1) In Part II of Schedule 1 to the House...  
45 (1) In Part II of Schedule 1 to the Northern...  
46 A Commissioner or Investigating Commissioner, and a member of a...

### *Records*

- 47 In Schedule 1 to the Public Records Act 1958 (c....

### *Freedom of information*

- 48 In Part VI of Schedule 1 to the Freedom of...  
Part 5 — DISABILITY COMMITTEE

### *Establishment*

- 49 (1) The Commission shall establish a decision-making committee to be...

### *Membership*

- 50 (1) The Commission shall ensure that— (a) there are not...  
51 The appointment of each member of the Disability Committee shall...

### *Functions*

- 52 (1) The Commission shall by virtue of this paragraph be...  
53 Before exercising a power or fulfilling a duty wholly or...  
54 The Disability Committee shall advise the Commission about the exercise...

### *Resources*

- 55 In allocating its resources the Commission shall ensure that the...

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### *Report*

56 (1) The Disability Committee shall for each financial year of...

#### *5-year review*

57 The Commission shall arrange for a review of the activities...  
58 The following may not participate in the review (although those...  
59 The Commission shall ensure— (a) that those conducting the review...  
60 As soon as is reasonably practicable after receiving a report...  
61 As soon as is reasonably practicable after receiving a recommendation...  
62 An order under paragraph 61 may include provision about—  
63 The dissolution of the Disability Committee is without prejudice to...  
64 The Disability Committee may not be dissolved under paragraph  
14(c)....

## SCHEDULE 2 — Inquiries, Investigations and Assessments

### *Introduction*

1 This Schedule applies to— (a) inquiries under section 16,

#### *Terms of reference*

2 Before conducting an inquiry the Commission shall—  
3 Before conducting an investigation the Commission shall—  
4 Before conducting an assessment of a person's compliance with a...  
5 Paragraphs 2 to 4 shall apply in relation to revised...

#### *Representations*

6 (1) The Commission shall make arrangements for giving persons an...  
7 Arrangements under paragraph 6 may (but need not) include  
arrangements...  
8 (1) The Commission shall consider representations made in relation to...

#### *Evidence*

9 In the course of an inquiry, investigation or assessment the...  
10 (1) A notice given to a person under paragraph 9...  
11 The recipient of a notice under paragraph 9 may apply...  
12 (1) Sub-paragraph (2) applies where the Commission thinks that a...  
13 (1) A person commits an offence if without reasonable excuse...  
14 (1) Where a person is given a notice under paragraph...

#### *Reports*

15 The Commission shall publish a report of its findings on...

#### *Recommendations*

16 (1) The Commission may make recommendations— (a) as part of...

#### *Effect of report*

17 (1) A court or tribunal— (a) may have regard to...  
18 A person to whom a recommendation in the report of...

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*Courts and tribunals*

- 19 An inquiry, investigation or assessment may not question (whether expressly...

*Intelligence services*

- 20 (1) An inquiry may not consider— (a) whether an intelligence...

SCHEDULE 3 — Amendments Consequential on Part 1

*Public Records Act 1958 (c. 51)*

- 1 In Schedule 1 to the Public Records Act 1958 (definition...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments,...

*Superannuation Act 1972 (c. 11)*

- 3 In Schedule 1 to the Superannuation Act 1972 (employments) omit...

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 (1) The House of Commons Disqualification Act 1975 shall be...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be...

*Sex Discrimination Act 1975 (c. 65)*

- 6 The Sex Discrimination Act 1975 shall be amended as follows....  
7 In section 37(3) (discriminatory practices) for “sections 67 to 71...  
8 At the end of section 38 (discriminatory advertisements) add—  
9 At the end of section 39 (instructions to discriminate (which...  
10 At the end of section 40 (pressure to discriminate) add—...  
11 Part VI (the Equal Opportunities Commission) shall cease to have...  
12 Sections 67 to 73 (enforcement) shall cease to have effect....  
13 Section 75 (assistance by Equal Opportunities Commission) shall cease to...  
14 (1) Section 76 (timing of proceedings) shall be amended as...  
15 Section 76D (public authorities: enforcement) (inserted by section 85 of...  
16 Section 76E (codes of practice) (inserted by section 86 of...  
17 In section 81 (orders)— (a) in subsection (1) omit the...  
18 In section 82 (interpretation)— (a) in subsection (1)—  
19 In Schedule 2 (education admissions: transitional exemption)—  
20 Schedule 3 (Equal Opportunities Commission) shall cease to have effect....

*Race Relations Act 1976 (c. 74)*

- 21 The Race Relations Act 1976 shall be amended as follows....  
22 In section 28(3) (discriminatory practices), for “sections 58 to 62”...



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- 23 At the end of section 29 (discriminatory advertisements) add—
- 24 At the end of section 30 (instructions to discriminate, &c....
- 25 At the end of section 31 (pressure to discriminate, &c.)...
- 26 Part VII (Commission for Racial Equality) shall cease to have...
- 27 Sections 58 to 64 (enforcement) shall cease to have effect....
- 28 Section 66 (assistance by Commission for Racial Equality) shall cease...
- 29 (1) Section 68 (timing of proceedings) shall be amended as...
- 30 Section 71C (codes of practice) shall cease to have effect....
- 31 Sections 71D and 71E (general public authority duty: compliance notice)...
- 32 In section 74 (orders and regulations)— (a) in subsection (1)...
- 33 In section 78 (interpretation)— (a) in subsection (1)—
- 34 Schedule 1 (Commission for Racial Equality) shall cease to have...
- 35 In Part II of Schedule 1A (general statutory duty)—

*Estate Agents Act 1979 (c. 38)*

- 36 The Estate Agents Act 1979 shall be amended as follows....
- 37 In section 9(6) (provision of information to Office of Fair...
- 38 (1) Schedule 1 shall be amended as follows.

*Legal Aid (Scotland) Act 1986 (c. 47)*

- 39 (1) The Legal Aid (Scotland) Act 1986 shall be amended...

*Employment Act 1989 (c. 38)*

- 40 In section 28(2) of the Employment Act 1989 (orders) for...

*Disability Discrimination Act 1995 (c. 50)*

- 41 The Disability Discrimination Act 1995 shall be amended as follows....
- 42 At the end of section 16B (discriminatory advertisements) add—
- 43 At the end of section 16C (instructions and pressure to...
- 44 Section 17B (proceedings by Disability Rights Commission) shall cease to...
- 45 Section 28 (conciliation services) shall cease to have effect.
- 46 In sections 28C(4) and 28T(2) (non-discrimination in education) for “section...
- 47 Section 31B (conciliation services) shall cease to have effect.
- 48 In section 49D(5) for “Disability Rights Commission” substitute “Commission...
- 49 Sections 49E and 49F (public authorities: enforcement) shall cease to...
- 50 Section 49H (let property: conciliation of disputes) shall cease to...
- 51 Section 49I (conciliation of disputes: rented housing in Scotland) shall...
- 52 Section 53A (codes of practice) shall cease to have effect....
- 53 In section 67(5)(b) (regulations and orders) omit the words “53A(6)(a)”....
- 54 In section 68(1) (interpretation), in the definition of “regulations” omit...
- 55 In section 70(5A) for “7B, 49G, 49H and 53A(1D) and...
- 56 (1) For paragraph 6(2) of Schedule 3 (enforcement) substitute—

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*Employment Tribunals Act 1996 (c. 17)*

- 57 After section 21(1)(gb) of the Employment Tribunals Act 1996 (jurisdiction...)

*Asylum and Immigration Act 1996 (c. 49)*

- 58 In section 8A(4)(a) of the Asylum and Immigration Act 1996,...

*Disability Rights Commission Act 1999 (c. 17)*

- 59 The Disability Rights Commission Act 1999 shall cease to have...

*Freedom of Information Act 2000 (c. 36)*

- 60 In Part VI of Schedule 1 to the Freedom of...

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 61 In Schedule 4 to the Anti-terrorism, Crime and Security Act...

*Housing (Scotland) Act 2001 (asp 10)*

- 62 In paragraph 8(e) of Schedule 5 to the Housing (Scotland)...

*Housing (Scotland) Act 2006 (asp 01)*

- 63 In each of the following provisions of the Housing (Scotland)...

SCHEDULE 4 — Repeals

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