



# Equality Act 2006

## 2006 CHAPTER 3

### PART 1

#### THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

##### *Enforcement powers*

#### **21 Unlawful act notice**

- (1) The Commission may give a person a notice under this section (an “unlawful act notice”) if—
  - (a) he is or has been the subject of an investigation under section 20(1)(a), and
  - (b) the Commission is satisfied that he has committed an unlawful act.
- (2) A notice must specify—
  - (a) the unlawful act, and
  - (b) the provision of the [F<sup>1</sup>Equality Act 2010] by virtue of which the act is unlawful.
- (3) A notice must inform the recipient of the effect of—
  - (a) subsections (5) to (7),
  - (b) section 20(1)(b), and
  - (c) section 24(1).
- (4) A notice may—
  - (a) require the person to whom the notice is given to prepare an action plan for the purpose of avoiding repetition or continuation of the unlawful act;
  - (b) recommend action to be taken by the person for that purpose.
- (5) A person who is given a notice may, within the period of six weeks beginning with the day on which the notice is given, appeal to the appropriate court or tribunal on the grounds—
  - (a) that he has not committed the unlawful act specified in the notice, or

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*Changes to legislation: Equality Act 2006, Section 21 is up to date with all changes known to be in force on or before 17 August 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) View outstanding changes*

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- (b) that a requirement for the preparation of an action plan imposed under subsection (4)(a) is unreasonable.
- (6) On an appeal under subsection (5) the court or tribunal may—
- (a) affirm a notice;
  - (b) annul a notice;
  - (c) vary a notice;
  - (d) affirm a requirement;
  - (e) annul a requirement;
  - (f) vary a requirement;
  - (g) make an order for costs or expenses.
- (7) In subsection (5) “the appropriate court or tribunal” means—
- (a) an employment tribunal, if a claim in respect of the alleged unlawful act could be made to it, or
  - (b) [<sup>F2</sup>the county court] (in England and Wales) or the sheriff (in Scotland), if a claim in respect of the alleged unlawful act could be made to it or to him.

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**Textual Amendments**

- F1** Words in s. 21(2)(b) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\)](#), s. 216(3), **Sch. 26 para. 67** (with ss. 6(4), 205); [S.I. 2010/2317](#), art. 2(15)(e)(vi) (as amended (1.10.2010) by [S.I. 2010/2337](#), art. 2)
- F2** Words in s. 21(7)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 52**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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**Modifications etc. (not altering text)**

- C1** S. 21(1)(a) applied (with modifications) (1.10.2007) by [The Equality Act 2006 \(Dissolution of Commissions and Consequential and Transitional Provisions\) Order 2007 \(S.I. 2007/2602\)](#), **art. 5(3)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(8) inserted by [2023 c. 51 s. 4\(2\)](#)
- s. 24A(1)(aa) inserted by [2023 c. 51 s. 4\(3\)](#)