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STATUTORY INSTRUMENTS

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**2011 No. 96 (C. 5)**

**EQUALITY**

**The Equality Act 2010 (Commencement No. 5) Order 2011**

*Made* - - - - *17th January 2011*

The Secretary of State, in exercise of the powers conferred by section 216(3) of the Equality Act 2010(1), makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Equality Act 2010 (Commencement No. 5) Order 2011.
- (2) In this Order “the Act” means the Equality Act 2010.

**Provisions coming into force on the day after the day on which this Order is made**

2. The following provisions of the Act come into force on the day after the day on which this Order is made—
  - (a) section 150, for the purposes of sections 151 to 155, section 157, and Schedule 19 only;
  - (b) sections 151 to 155;
  - (c) section 157; and
  - (d) Schedule 19.

**Provisions coming into force on 6th April 2011**

3. Section 159 of the Act comes into force on 6th April 2011 in so far as it is not already in force.

17th January 2011

*Theresa May*  
Secretary of State for the Home Department

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the fifth Commencement Order made under the Equality Act 2010 (c. 15) (“the Act”). The Equality Act 2010 (Commencement No. 1) Order 2010 (S.I. 2010/1736) (C. 91), the Equality Act 2010 (Commencement No. 2) Order 2010 (S.I. 2010/1966 (C. 104)), the Equality Act 2010 (Commencement No. 3) Order 2010 (S.I. 2010/2191 (C. 109)) and the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (S.I. 2010/2317 (C. 112)), as amended by the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (Amendment) Order 2010 (S.I. 2010/2337 (C. 113)), brought into force most of the provisions of the Act. The fourth Commencement Order (as amended) also set out savings, consequential, transitional, transitory and incidental provisions and a revocation in relation to existing legislation, which were required as a result of the repeal and revocation of previous discrimination legislation and its replacement by the Act. The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279) amended the Act, including by adding new provisions into the Act and renumbering existing provisions, some of which are brought into force by this Order.

This Order brings various provisions of the Act into force which were not brought into force by the earlier Commencement Orders. These provisions include enabling powers relating to the public sector equality duty and a provision concerning positive action in relation to recruitment and promotion in Part 11 of the Act.

Article 2 sets out the provisions of the Act which come into force on the day after the day on which the Order is made for the purpose of making orders specifying the public authorities in Schedule 19 to the Act to which the public sector equality duty applies and for the purpose of making regulations imposing requirements on such public authorities in order to enable the better performance of the duty.

Article 3 ensures that section 159, which provides for positive action in recruitment and promotion, is brought fully into force on 6th April 2011.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

| <i>Provision</i>                               | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Sections 4 and 5                               | 1st October 2010            | 2010/2317       |
| Section 6(5) (partially)                       | 6th July 2010               | 2010/1736       |
| Section 6(6) (partially)                       | 4th August 2010             | 2010/1966       |
| Section 6 (in so far as not already in force)  | 1st October 2010            | 2010/2317       |
| Sections 7 to 13                               | 1st October 2010            | 2010/2317       |
| Sections 15 to 21                              | 1st October 2010            | 2010/2317       |
| Section 22 (partially)                         | 6th July 2010               | 2010/1736       |
| Section 22 (in so far as not already in force) | 1st October 2010            | 2010/2317       |

| <i>Provision</i>                                 | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|--|-----------------------------|---------------------------|
| Sections 23 to 27                                | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 28 to 31 (partially)                    | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 32 to 35                                | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 36(1)(a) to (c), (2) to (4), (7) and (8) | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 38(1) to (7) and (9)                     | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 38(8) (partially)                        | 4th August 2010             | <a href="#">2010/1966</a> |
| Section 38(8) (partially)                        | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 39 to 60                                | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 61(8) and (9) (partially)                | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 61 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 62 to 77                                | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 79                                       | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 80(8) (partially)                        | 4th August 2010             | <a href="#">2010/1966</a> |
| Section 80 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 81 (partially)                           | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 81 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 82 (partially)                           | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 82 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 83(11) (partially)                       | 4th August 2010             | <a href="#">2010/1966</a> |
| Section 83 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 84 to 93                                | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 94(12) (partially)                       | 4th August 2010             | <a href="#">2010/1966</a> |
| Section 94 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 95                                       | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 96(9)(b) (partially)                     | 3rd September 2010          | <a href="#">2010/2191</a> |
| Section 96(10) and (11) (partially)              | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 96 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 97 (partially)                           | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 97 (in so far as not already in force)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 98 (partially)                           | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 99                                       | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 100 to 105 (partially)                  | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 107 (partially)                          | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 108 to 115                              | 1st October 2010            | <a href="#">2010/2317</a> |

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| <i>Provision</i>                                      | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|---|-----------------------------|---------------------------|
| Section 116(1)(a) and (b) and (2)                     | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 116(1)(c) (partially)                         | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 116(1)(c) (in so far as not already in force) | 18th March 2011             | <a href="#">2010/2317</a> |
| Section 116(3) (partially)                            | 4th August 2010             | <a href="#">2010/1966</a> |
| Section 116(3) (partially)                            | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 116(3) (in so far as not already in force)    | 18th March 2011             | <a href="#">2010/2317</a> |
| Section 117(1), (2), (3) and (4) (partially)          | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 117 (in so far as not already in force)       | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 118 to 135                                   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 136(1) to (6)(a) to (e)                       | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 136(6)(f)                                     | 18th March 2011             | <a href="#">2010/2317</a> |
| Section 137   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 138(1), (2), (5), (6) and (7) (partially)     | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 138 (in so far as not already in force)       | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 139 to 146                                   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 147(4) (partially)                            | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 147 (in so far as not already in force)       | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 148   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 158   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 159 (partially)                               | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 161 (partially)                               | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 165 (partially)                               | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 166   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 167(1) to (5), and (7) (partially)            | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 167(6)  | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 168 to 185                                   | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 187 and 188                                  | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 189 (partially)                               | 4th August 2010             | <a href="#">2010/1966</a> |
| Section 189 (in so far as not already in force)       | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 190   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 191 (partially)                               | 1st October 2010            | <a href="#">2010/2317</a> |
| Sections 192 to 195                                   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 196 (partially)                               | 1st October 2010            | <a href="#">2010/2317</a> |

| <i>Provision</i>  | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|---|-----------------------------|---------------------------|
| Section 206   | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 211(1) (partially)  | 6th July 2010               | <a href="#">2010/1736</a> |
| Section 211(1) (partially)  | 1st October 2010            | <a href="#">2010/2317</a> |
| Section 211(2) (partially)  | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 1, paragraphs 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15 and 16 (partially) | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 1 (in so far as not already in force)                                    | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedules 2 to 3 (partially)  | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 4, paragraphs 1 to 4   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 4, paragraph 8 (partially)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 4, paragraph 9 (partially)   | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 4, paragraph 9 (in so far as not already in force)                       | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedules 5 and 6   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 7, paragraphs 4, 5 and 6 (partially)                                     | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 7 (in so far as not already in force)                                    | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 8  | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 9, paragraph 16 (partially)  | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 9 (in so far as not already in force)                                    | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedules 10 and 11   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 12, paragraph 5 (partially)  | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 12 (in so far as not already in force)                                   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 13 (partially)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedules 14 and 15   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 16 (partially)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 17, paragraphs 1 and 6(1) to (7) (partially)                             | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 17, paragraphs 1 and 6(1) to (7) (in so far as not already in force)     | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 17, paragraphs 2 to 5  | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 17, paragraph 6(8) and (9)   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 17, paragraphs 7 to 12 (partially)                                       | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 17, paragraphs 7 to 12 (in so far as not already in force)               | 18th March 2011             | <a href="#">2010/2317</a> |
| Schedule 17, paragraphs 13 and 14   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 21, paragraph 6 (partially)  | 6th July 2010               | <a href="#">2010/1736</a> |

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|---|-----------------------------|---------------------------|
| Schedule 21 (in so far as not already in force)               | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedules 22 and 23 (partially)                               | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 25   | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraphs 1 to 8                                | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraphs 13 to 60                              | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraph 61 (partially)                         | 4th August 2010             | <a href="#">2010/1966</a> |
| Schedule 26, paragraph 61 (in so far as not already in force) | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraphs 62 to 64                              | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraph 65(1), (2), (3) and (5)                | 6th July 2010               | <a href="#">2010/1736</a> |
| Schedule 26, paragraph 65(4)                                  | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraphs 66 to 72                              | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraph 75                                     | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraph 76 (partially)                         | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraphs 77 to 81                              | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraph 82 (partially)                         | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 26, paragraphs 83 to 107                             | 1st October 2010            | <a href="#">2010/2317</a> |
| Schedule 27 (partially)                                       | 1st October 2010            | <a href="#">2010/2317</a> |