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STATUTORY INSTRUMENTS

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**2019 No. 305**

**The Equality (Amendment and Revocation) (EU Exit) Regulations 2019**

**PART 2**

Amendment of primary legislation

**Amendment of the Equality Act 2010**

5.—(1) The Equality Act 2010 <sup>M1</sup> is amended as follows.

(2) In section 140AA (extension of time limits because of alternative dispute resolution in certain cross border or domestic contractual disputes), in subsection (1)—

(a) omit paragraph (a);

[<sup>F1</sup>(b) for paragraph (b), substitute—

““ADR entity” means a person whose name appears on a list maintained in accordance with regulation 10 of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 ([S.I. 2015/542](#))”];

(c) for paragraph (d), substitute “ “ADR procedure” means a procedure for the out-of-court resolution of disputes through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution ”;

[<sup>F2</sup>(ca) after paragraph (d), insert—

“(da) “consumer” means an individual acting for purposes which are wholly or mainly outside that individual’s trade, business, craft or profession;”];

(d) for paragraph (f), substitute—

““relevant dispute ” means a dispute that—

(a) concerns obligations under a [<sup>F3</sup>sales contract or a service contract] , and

(b) is between a trader established in the United Kingdom or the European Union and a consumer resident in the United Kingdom, which the parties attempt to settle by recourse to a non-binding ADR procedure.”.

[<sup>F4</sup>(e) after paragraph (f), insert—

“(g) “sales contract” means a contract under which a trader transfers, or agrees to transfer, the ownership of goods to a consumer and the consumer pays, or agrees to pay, the price, including any contract that has both goods and services as its object;

(h) “service contract” means a contract, other than a sales contract, under which a trader supplies, or agrees to supply, a service to a consumer and the consumer pays, or agrees to pay, the price;

- (i) “trader” means a person acting for purposes relating to that person’s trade, business, craft or profession, whether acting personally or through another person acting in the trader’s name or on the trader’s behalf.”.]
- (3) In section 162 (designated transport facilities), omit subsection (4).
- (4) Omit section 203 (harmonisation) and Schedule 24.
- (5) Omit section 204 (harmonisation: procedure).
- (6) In section 208 (Ministers of the Crown, etc.), in subsection (5), omit paragraph (h).
- (7) In Schedule 3 (services and public functions: exceptions),
- (a) in paragraph 15A (immigration)—
- (i) in sub-paragraph (2), for “functions exercisable by virtue of a relevant enactment” substitute “relevant functions”;
- (ii) in sub-paragraph (4)(b), for the words from “by a” to the end substitute “by or under anything mentioned in sub-paragraph (5)(a) to (c)”;
- (iii) in sub-paragraph (5)—
- (aa) for “The relevant enactments are” substitute ““Relevant functions” means functions exercisable by virtue of”;
- (bb) in paragraph (b), at the end insert “or”;
- (cc) in paragraph (c), for the words from the beginning to “which” substitute “anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and”;
- (dd) omit paragraph (d) and the “and” before it;
- (b) in paragraph 17 (immigration)—
- (i) in sub-paragraph (2), for “functions exercisable by virtue of a relevant enactment” substitute “relevant functions”;
- (ii) in sub-paragraph (4)(b), for the words from “by a” to the end substitute “by or under anything mentioned in sub-paragraph (5)(a) to (c)”;
- (iii) in sub-paragraph (5)—
- (aa) for “The relevant enactments are” substitute ““Relevant functions” means functions exercisable by virtue of”;
- (bb) in paragraph (b), at the end insert “or”;
- (cc) in paragraph (c), for the words from the beginning to “which” substitute “anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and”;
- (dd) omit paragraph (d) and the “and” before it.
- (8) In Schedule 18 (public sector equality duty: exceptions), in paragraph 2 (immigration) in sub-paragraph (2)(h), for the words from the beginning to “which” substitute “anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and”.
- (9) In Schedule 23 (general exceptions), in paragraph 4 (training provided to non-EEA residents, etc) —
- (a) in the heading, omit “EEA”;
- (b) in sub-paragraph (2), for “an EEA state” substitute “Great Britain”;
- (c) omit sub-paragraph (5)(a).

### Textual Amendments

- F1** Reg. 5(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(a)** (with reg. 7)
- F2** Reg. 5(2)(ca) inserted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(b)** (with reg. 7)
- F3** Words in reg. 5(2)(d) substituted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(c)** (with reg. 7)
- F4** Reg. 5(2)(e) inserted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(d)** (with reg. 7)

### Commencement Information

- I1** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

### Marginal Citations

- M1** [2010 c.15.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Equality (Amendment and Revocation) (EU Exit) Regulations 2019, Section 5.