
EXPLANATORY NOTE

(This note is not part of the Order)

The Race Relations (Amendment) Act 2000 substituted a new section 71 into the Race Relations Act 1976 (“the 1976 Act”). Section 71(1) of the 1976 Act imposes a general duty on persons specified in Schedule 1A to that Act in carrying out their functions to have due regard to (a) the need to eliminate unlawful discrimination and (b) to promote equality of opportunity and good relations between persons of different racial groups.

Section 71(2) of the 1976 Act empowers the Scottish Ministers to impose by order specific duties on persons falling within Schedule 1A for the purpose of ensuring the better performance of the general duty under section 71(1) of that Act.

The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (“the 2002 Order”) made by the Scottish Ministers under section 71(2) imposes specific duties on bodies specified in Schedule 1A to the 1976 Act so far as within devolved competence. This Order amends the 2002 Order.

Article 4 inserts a new Article 5A in the 2002 Order. This extends the duties under Article 5 of that Order to those bodies or persons listed in paragraph (2) and gives them until 31st May 2004 to comply with those duties.

Article 5(1) amends Schedule 1 to the 2002 Order which lists those bodies or persons required to publish Race Equality Schemes to add any Passenger Transport Executives for passenger transport areas within Scotland. Article 5(2) gives these bodies until 30th November 2004 to comply with this duty.

Article 6 amends Schedule 3 to the 2002 Order which lists those bodies or persons excepted from the Article 5 duties of monitoring by employers.