
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Equality Act 2010 (Consequential Amendments,
Saving and Supplementary Provisions) Order 2010**

Amendments of existing provisions about public sector equality duties

14.—(1) Section 76A the Sex Discrimination Act 1975⁽¹⁾ (public authorities: general statutory duty) is amended as follows.

(2) In subsection (1)(a) for “discrimination and harassment” substitute “discrimination, harassment and victimisation”.

(3) For subsection (2)(c) substitute—

“(c) “discrimination” means—

- (i) sex discrimination;
- (ii) gender reassignment discrimination;
- (iii) marriage and civil partnership discrimination;
- (iv) pregnancy and maternity discrimination;
- (v) a breach of an equality clause.”.

(4) After subsection (2)(c) insert—

“(d) “harassment” is any act that is harassment for the purposes of the Equality Act 2010 (“the 2010 Act”) but, in the case of harassment within subsection (1) of section 26, only so far as that subsection relates to sex or gender reassignment.

(e) “victimisation” means victimisation where the protected act in question relates to sex, gender reassignment, marriage and civil partnership or pregnancy and maternity.”.

(5) After subsection (2) insert—

“(2A) An expression used in subsection (2) and in the 2010 Act has the same meaning in that subsection as it does in that Act.”.

(6) Despite the repeal of the Sex Discrimination Act 1975 (“the 1975 Act”) by Schedule 27 to the Act, the following provisions of the 1975 Act, so far as they relate to sections 76A to 76C⁽²⁾ of that Act, continue to have effect—

(a) section 81⁽³⁾ (orders),

(1) 1975 c. 65; section 76A was inserted by the Equality Act 2006 (c. 3), section 84(1) and was amended by the Government of Wales 2006 (Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), Schedule 1 paragraphs 2, 7(1) to (3) and by the Transfer of Functions (Equality) Order 2007 (S.I. 2007/2914), Schedule, paragraph 6(c).

(2) Sections 76B and 76C were inserted by the Equality Act 2006 (c. 3), section 85(1) and were amended by S.I. 2007/2914, Schedule, paragraph 6(d) and (e). Section 76B was also amended by S.I. 2007/1388, Schedule 3, paragraphs 1 and 8.

(3) Section 81 was amended by: the Education (Scotland) Act 1980 (c. 44), Schedule 4, paragraph 10; the Sex Discrimination Act 1986 (c. 59), section 9(2) and Schedule, Part I; the Employment Act 1989 (c.38) section 29(4) and Schedule 7, Part II; and the Equality Act 2006 (c. 3), sections 83(3), 84(2) and 85(2), Schedule 3 paragraphs 3 and 17 and Schedule 4 and S.I. 2007/2914, Schedule, paragraphs 6(h) and 8.

- (b) in section 82(4) (interpretation) the definitions of “act”, “Commission”, “man” and “woman”, and
- (c) section 85(5) (Crown application).

(4) In section 82 the definition of “Commission” was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 6 and 18(1)(a)(i).

(5) Section 85 was amended by; the Armed Forces Act 1996 (c. 46), section 21(1), (3), (4) and (5); the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2)(a); the Armed Forces Act 2006 (c. 52), Schedule 16, paragraph 71; S.I. 1994/3276, regulation 2; S.I. 2005/2467, regulation 34 and S.I. 2005/2712, Schedule 2, paragraph 1.