
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

16.—(1) The Disability Discrimination Act 1995⁽¹⁾ is amended as follows.

(2) In section 49A⁽²⁾, subsection (1)(a) for “discrimination that is unlawful under this Act” substitute “unlawful discrimination and victimisation”.

(3) In subsection (2) for “other provision of this Act” substitute “provision of the Equality Act 2010 (“the 2010 Act”), so far as relating to disability”.

(4) After that subsection insert —

“(3) In this section—

- (a) “discrimination” means disability discrimination within the meaning of sections 25(2)(a), (b) and (d) of the 2010 Act;
- (b) “disability” and “disabled person” each have the same meaning as in section 6 of the 2010 Act; and
- (c) “victimisation” means victimisation within the meaning of section 27 of that Act where the protected act in question relates to disability.”

(5) Despite the repeal of the Disability Discrimination Act 1995 (“the 1995 Act”) by Schedule 27 to the Act, the following provisions of the 1995 Act, so far as they relate to sections 49A to 49D⁽³⁾ of that Act, continue to have effect—

- (a) section 21B⁽³⁾⁽⁴⁾ (list of public authorities excluded from duty not to discriminate),
- (b) section 64⁽⁵⁾ (Crown application),
- (c) section 67⁽⁶⁾ (orders and regulations) and
- (d) in section 68 (interpretation) the definitions of “prescribed” and “regulations”.

⁽¹⁾ 1995 c. 50.

⁽²⁾ Section 49A was inserted by the Disability Discrimination Act 2005 (c. 13), section 3.

⁽³⁾ Sections 49B to 49D were inserted by the Disability Discrimination Act 2005 (c. 13), section 3. Section 49B was amended by S.I. 2007/1388, Schedule 1, paragraphs 55 and 57. Section 49C was amended by the Equality Act 2006 (c. 3), section 88 and S.I. 2007/1388, Schedule 1, paragraphs 47 and 58. Section 49D was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 41 and 48 and S.I. 2007/1388, Schedule 1, paragraphs 47 and 59(1) and (2).

⁽⁴⁾ Section 21B was inserted by the Disability Discrimination Act 2005 (c.13) section 2.

⁽⁵⁾ Section 64 was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 31; S.I. 2003/1673, regulations 3(1) and 24 and S.I. 2005/2712, Schedule 2, paragraph 3.

⁽⁶⁾ Section 67 was amended by the Disability Discrimination Act 2005 (c.13), Schedule 1, paragraphs 1 and 33; the Equality Act 2006 (c.3), Schedule 3 paragraphs 41 and 44 and Schedule 4 and S.I. 2007/1388, Schedule 1, paragraphs 47 and 62.