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DRAFT STATUTORY INSTRUMENTS

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**2017 No.**

**The Equality Act 2010 (Specific Duties  
and Public Authorities) Regulations 2017**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 and come into force on 31st March 2017.

(2) In these Regulations—

“the Act” means the Equality Act 2010;

“the 1996 Act” means the Employment Rights Act 1996(1);

“the 2011 Regulations” means the Equality Act 2010 (Specific Duties) Regulations 2011(2);

“employment” and related expressions have the meaning given in regulation 2;

“English local authority” has the same meaning as in section 162 of the Education and Inspections Act 2006(3);

“maintained school” has the same meaning as in section 20(7) of the School Standards and Framework Act 1998(4).

**Meaning of “employment”**

2.—(1) In these Regulations, “employment” means—

(a) employment under a contract of employment, a contract of apprenticeship or a contract personally to do work, and

(b) Crown employment (within the meaning of section 191(3) of the 1996 Act(5)).

(2) Section 191(4) of the 1996 Act(6) applies for the purposes of these Regulations as it applies for the purposes set out in that subsection.

(3) For the purposes of these Regulations, an employee of an English local authority at a maintained school is to be treated as an employee of the governing body of that school.

(4) These Regulations apply to service in the armed forces as they apply to employment by, (or in the case of Crown employment, under or for the purposes of) a public authority, and for that purpose, references to terms of employment, or to a contract of employment, are to be read as including references to terms of service.

(5) For the purposes of these Regulations, the holding, otherwise than under a contract of employment, of the office of constable, or of an appointment as a police cadet, is to be treated as

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(1) 1996 c. 18.

(2) S.I. 2011/2260.

(3) 2006 c. 40. There are amendments to section 162, not relevant here.

(4) 1998 c. 31. Section 20 was amended by S.I. 2010/1158. There are further amendments to the section, not relevant here.

(5) 1996 c. 18.

(6) Section 191(4) was amended by paragraph 34(2) and (3) of Schedule 1, and paragraph 1 of Schedule 2, to the Employment Relations Act 2004 (c. 24).

employment by the relevant officer (and for that purpose, references to terms of employment, or to a contract of employment, are to be read as including references to terms of service).

- (6) In paragraph (4)—
- (a) “constable” does not include a special constable;
  - (b) “police cadet” means a person appointed to undergo training with a view to becoming a constable;
  - (c) “relevant officer” means—
    - (i) in relation to a member of a police force or a police cadet appointed for a police area, the chief officer of police;
    - (ii) in relation to any other person holding the office of constable or an appointment as a police cadet, the person who has the direction and control of the body of constables or cadets in question.

### **Gender pay gap reporting**

3. Schedule 1 to these Regulations (which imposes obligations on public authorities to publish gender pay gap information relating to employees) has effect.

### **Publication of information**

4.—(1) Each public authority listed in Schedule 2 to these Regulations must publish information to demonstrate its compliance with the duty imposed by section 149(1) of the Act.

- (2) The public authority must publish the information required by paragraph (1)—
- (a) not later than 30th March 2018; and
  - (b) subsequently at intervals of not greater than one year beginning with the date of last publication.
- (3) The information a public authority publishes in compliance with paragraph (1) must include, in particular, information relating to persons who share a relevant protected characteristic who are—
- (a) its employees;
  - (b) other persons affected by its policies and practices.
- (4) Paragraph (3)(a) does not apply to a public authority with fewer than 150 employees.

### **Equality objectives**

5.—(1) Each public authority listed in Schedule 2 to these Regulations must prepare and publish one or more objectives it thinks it should achieve to do any of the things mentioned in paragraphs (a) to (c) of section 149(1) of the Act.

- (2) The objectives must be published—
- (a) not later than 30th March 2018 (subject to regulation 9(2)); and
  - (b) subsequently at intervals of not greater than four years beginning with the date of last publication.
- (3) An objective published by a public authority in compliance with paragraph (1) must be specific and measurable.

### **Manner of publication**

6.—(1) The requirements in regulations 4 and 5 to publish information are requirements to publish the information in a manner that is accessible to the public.

(2) A public authority may comply with the requirements to publish information in regulation 4 or 5 by publishing the information within another published document.

### **Monitor and the NHS Trust Development Authority**

7. Monitor(7) and the NHS Trust Development Authority(8) may jointly comply with the obligations imposed by these Regulations as if they were a single public authority.

### **Amendment of Schedule 19 to the Act**

8. Schedule 3 to these Regulations (which amends Parts 1 and 2 of Schedule 19 to the Act) has effect.

### **Revocation, saving and transitional provision**

9.—(1) The 2011 Regulations are revoked (subject to paragraph (3)).

(2) Where a public authority has, within the period of four years ending with 30th March 2018, published equality objectives in compliance with regulation 3(1) of the 2011 Regulations—

- (a) regulation 5(2)(a) does not apply; and
- (b) regulation 5(2)(b) is to be read as if—
  - (i) the word “subsequently” were omitted, and
  - (ii) the “date of last publication” referred to the date of last publication under regulation 3 of the 2011 Regulations.

(3) Where—

- (a) immediately before the commencement date a public authority is required by regulation 2 of the 2011 Regulations to publish the information referred to in paragraph (1) of that regulation,
- (b) that information is required to be published on or before 6 April 2017, and
- (c) the information is not published before the commencement date in a form and manner that complies with regulations 2 and 4 of those Regulations,

regulations 2 and 4 are to continue to have effect on and after the commencement date in so far as they relate to the publication of that information by that authority.

Date

*Name*  
Secretary of State for Education and Minister for  
Women and Equalities  
Department for Education

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(7) Monitor is a body corporate previously called the Independent Regulator of NHS Trusts, renamed Monitor by section 61 of the Health and Social Care Act 2012 (c. 7).

(8) The NHS Trust Development Authority is a Special Health Authority established under section 28 of the National Health Service Act 2006 (c. 41).