

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No. 0000

EXITING THE EUROPEAN UNION

CIVIL PARTNERSHIP

GENDER RECOGNITION

SEX DISCRIMINATION

**The Equality (Amendment and Revocation) (EU Exit)
Regulations 2018**

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(a).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Equality (Amendment and Revocation) (EU Exit) Regulations 2018 and come into force on exit day.

PART 2

Amendment of primary legislation

Amendment of the Gender Recognition Act 2004

2.—(1) The Gender Recognition Act 2004(**a**) is amended as follows.

(2) In section 21 (foreign gender change and marriage), in subsection (6), for “enforceable EU right” substitute “right which forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018”.

Amendment of the Civil Partnership Act 2004

3.—(1) The Civil Partnership Act 2004(**b**) is amended as follows.

(2) In section 216 (the same-sex requirement), in subsection (6), for “enforceable EU right” substitute “right which forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018”.

Amendment of the Equality Act 2006

4.—(1) The Equality Act 2006(**c**) is amended as follows.

(2) In section 28 (legal assistance)—

(a) in subsection (12)—

- (i) for “a provision of” substitute “anything in retained”;
- (ii) insert “a provision of” before “the Equality Act 2010”.

(b) in subsection (13)—

- (i) in paragraph (a), for “a provision of” substitute “anything in retained”;
- (ii) in paragraph (b), insert “(as it had effect before exit day)” after “as required by EU law”.

Amendment of the Equality Act 2010

5.—(1) The Equality Act 2010(**d**) 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);

(b) in paragraph (b), for “article 4(1)(h) of the ADR Directive” substitute “regulation 4 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”;

(d) for paragraph (f), substitute—

““relevant dispute” means a dispute that—

- (a) concerns obligations under a contract of sale or for services, and

(a) 2004 c.7.
(b) 2004 c.33.
(c) 2006 c.3.
(d) 2010 c.15.

- (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.”.
- (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).

PART 3

Amendment of subordinate legislation

Amendment of the Equality Act 2010 (Amendment) Regulations 2012

6.—(1) The Equality Act 2010 (Amendment) Regulations 2012(a) are amended as follows.

(2) In regulation 4—

- (a) in paragraph (1)(a) omit from “Council” to “implementing”;
- (b) omit paragraphs (2) and (3).

Amendment of the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2012

7.—(1) The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2012(b) are amended as follows.

(2) In regulation 4—

- (a) in paragraph (1)(a) omit from “Council” to “implementing”;
- (b) omit paragraphs (2) and (3).

PART 4

Revocation of retained direct EU legislation

8. Regulation (EC) 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality is revoked.

9. Decision 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) – towards a just society is revoked.

Signed by the Secretary of State for the Department for International Development and the Minister for Women and Equalities.

Date

Name
Secretary of State and Minister for Women and Equalities
Department for International Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate

(a) S.I. 2012/2992.
(b) S.R. 2012 No. 462.

effectively and other deficiencies (in particular under section 8(2) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend and revoke legislation in the field of equality and in particular, they amend: references to enforceable EU rights; new obligations implemented under the European Communities Act 1972; references to EU law; the European Economic Area and specific EU directives and harmonisation provisions. Part 2 amends primary legislation, Part 3 amends subordinate legislation, including subordinate legislation in Northern Ireland. Part 4 revokes retained direct EU legislation which will have no practical application in relation to the United Kingdom after EU Exit.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.

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£4.90

UK201812121038 12/2018 19585

<http://www.legislation.gov.uk/id/ukdsi/2018/9780111176894>

ISBN 978-0-11-117689-4



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