



# Equality Act 2006

## 2006 CHAPTER 3

### PART 1

#### THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

##### *Interpretation*

#### <sup>F1</sup>33 Equality and human rights enactments

.....

##### **Textual Amendments**

**F1** S. 33 repealed (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), Sch. 26 para. 75, Sch. 27 Pt. 1 (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(vii) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)

#### **34 Unlawful**

- (1) In this Part (except section 30(3)) “unlawful” means contrary to a provision of the [<sup>F2</sup>Equality Act 2010].
- (2) But action is not unlawful for the purposes of this Part by reason only of the fact that it contravenes a duty under or by virtue of [<sup>F3</sup>any of the following provisions of the Equality Act 2010]—
  - [<sup>F4</sup>(a) section 1 (public sector duty regarding socio-economic inequalities),
  - (b) section 149, 153 or 154 (public sector equality duty),
  - (c) Part 12 (disabled persons: transport), or
  - (d) section 190 (disability: improvements to let dwelling houses).]

*Status: Point in time view as at 20/11/2021.*

*Changes to legislation: Equality Act 2006, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 29 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F2** Words in s. 34(1) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 26 para. 76\(2\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(viii\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))
- F3** Words in s. 34(2) inserted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 26 para. 76\(3\)\(a\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(viii\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))
- F4** S. 34(2)(a)-(d) substituted for (1.10.2010 except in relation to s. 34(2)(a)(b), 5.4.2011 in so far as it relates to s. 34(2)(b), 20.11.2021 for W.S. in so far as not already in force, otherwise prosp.) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 26 para. 76\(3\)\(b\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(viii\)](#) (with [arts. 4-25, Schs. 1-8](#)) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#)); [S.I. 2011/1066, art. 2\(g\)\(iv\)](#); [S.I. 2021/1322, arts. 3, 4](#)

### Modifications etc. (not altering text)

- C1** S. 34 applied (temp.) (1.10.2010 immediately after the commencement of [S.I. 2010/2779](#)) by [The Equality Act 2010 \(Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation\) Order 2010 \(S.I. 2010/2317\), arts. 1\(2\), 9](#)

## 35 General

In this Part—

- “act” includes deliberate omission,
- “groups” has the meaning given by section 10,
- “the Commission” means the Commission for Equality and Human Rights,
- “disabled person” has the meaning given by section 8,
- “human rights” has the meaning given by section 9,
- <sup>F5</sup> ...
- “race” includes colour, nationality, ethnic origin and national origin,
- “religion or belief” has the same meaning as in <sup>F6</sup>section 10 of the Equality Act 2010, and
- “sexual orientation” <sup>F7</sup>has the same meaning as in section 12 of the Equality Act 2010.]
  - (a) persons of the same sex as him or her,
  - (b) persons of the opposite sex, or
  - (c) both.

### Textual Amendments

- F5** Words in s. 35 omitted (18.8.2010) by virtue of [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\), art. 1\(2\), Sch. para. 7\(3\)](#)
- F6** Words in s. 35 substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 26 para. 77\(2\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(ix\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))
- F7** Words in s. 35 substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 26 para. 77\(3\)](#) (with [ss. 6\(4\), 205](#)); [S.I. 2010/2317, art. 2\(15\)\(e\)\(ix\)](#) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))

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