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Equality Act 2006

2006 CHAPTER 3

PART 1

THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

The Commission

1 Establishment

There shall be a body corporate known as the Commission for Equality and Human Rights.

2 Constitution, &c.

Schedule 1 (constitution of the Commission, proceedings, money, &c.) shall have effect.

3 General duty

The Commission shall exercise its functions under this Part with a view to encouraging and supporting the development of a society in which—

- (a) people's ability to achieve their potential is not limited by prejudice or discrimination,
- (b) there is respect for and protection of each individual's human rights,
- (c) there is respect for the dignity and worth of each individual,
- (d) each individual has an equal opportunity to participate in society, and
- (e) there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.

4 Strategic plan

- (1) The Commission shall prepare a plan showing—

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- (a) activities or classes of activity to be undertaken by the Commission in pursuance of its functions under this Act,
 - (b) an expected timetable for each activity or class, and
 - (c) priorities for different activities or classes, or principles to be applied in determining priorities.
- (2) The Commission shall review the plan—
- (a) at least once during the period of three years beginning with its completion,
 - (b) at least once during each period of three years beginning with the completion of a review, and
 - (c) at such other times as the Commission thinks appropriate.
- (3) If the Commission thinks it appropriate as a result of a review, the Commission shall revise the plan.
- (4) The Commission shall send the plan and each revision to the Secretary of State, who shall lay a copy before Parliament.
- (5) The Commission shall publish the plan and each revision.

5 Strategic plan: consultation

Before preparing or reviewing a plan in accordance with section 4 the Commission shall—

- (a) consult such persons having knowledge or experience relevant to the Commission's functions as the Commission thinks appropriate,
- (b) consult such other persons as the Commission thinks appropriate,
- (c) issue a general invitation to make representations, in a manner likely in the Commission's opinion to bring the invitation to the attention of as large a class of persons who may wish to make representations as is reasonably practicable, and
- (d) take account of any representations made.

VALID FROM 01/10/2007

6 Disclosure

- (1) A person who is or was a Commissioner, an Investigating Commissioner, an employee of the Commission or a member of a committee established by the Commission commits an offence if he discloses information to which this section applies unless subsection (3) authorises the disclosure.
- (2) This section applies to information acquired by the Commission—
- (a) by way of representations made in relation to, or otherwise in the course of, an inquiry under section 16,
 - (b) by way of representations made in relation to, or otherwise in the course of, an investigation under section 20,
 - (c) by way of representations made in relation to, or otherwise in the course of, an assessment under section 31,
 - (d) by way of representations made in relation to, or otherwise in connection with, a notice under section 32, or

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- (e) from a person with whom the Commission enters into, or considers entering into, an agreement under section 23.
- (3) This subsection authorises a disclosure made—
- (a) for the purpose of the exercise of a function of the Commission under any of sections 16, 20, 21, 24, 25, 31 and 32,
 - (b) in a report of an inquiry, investigation or assessment published by the Commission,
 - (c) in pursuance of an order of a court or tribunal,
 - (d) with the consent of each person to whom the disclosed information relates,
 - (e) in a manner that ensures that no person to whom the disclosed information relates can be identified,
 - (f) for the purpose of civil or criminal proceedings to which the Commission is party, or
 - (g) if the information was acquired by the Commission more than 70 years before the date of the disclosure.
- (4) But subsection (3) does not authorise, nor may the Commission make, a disclosure of information provided by or relating to an intelligence service unless the service has authorised the disclosure.
- (5) In subsection (4) “intelligence service” means—
- (a) the Security Service,
 - (b) the Secret Intelligence Service, and
 - (c) the Government Communications Headquarters.
- (6) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

VALID FROM 01/10/2007

7 Scotland: human rights

- (1) The Commission shall not take human rights action in relation to a matter if the Scottish Parliament has legislative competence to enable a person to take action of that kind in relation to that matter.
- (2) In subsection (1) “human rights action” means action taken—
- (a) in accordance with section 9(1), and
 - (b) under, by virtue of or in pursuance of—
 - (i) section 11(1) in so far as it relates to the Human Rights Act 1998 (c. 42),
 - (ii) section 11(2)(c) or (d),
 - (iii) section 12,
 - (iv) section 13,
 - (v) section 16,
 - (vi) section 17, or
 - (vii) section 30.

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- (3) Despite section 9(4), the Commission shall not, in the course of fulfilling a duty under section 8 or 10, consider the question whether a person's human rights have been contravened if the Scottish Parliament has legislative competence to enable a person to consider that question.
- (4) Subsections (1) and (3) shall not prevent the Commission from taking action with the consent (whether general or specific) of a person if—
- (a) the person is established by Act of the Scottish Parliament, and
 - (b) the person's principal duties relate to human rights and are similar to any of the Commission's duties under section 9.
- (5) Subsections (1) and (3) shall not prevent the Commission from relying on section 13(1)(f) so as to act jointly or cooperate (but not assist) for a purpose relating to human rights and connected with Scotland.

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