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## SCHEDULES

### SCHEDULE 1

Section 2

#### THE COMMISSION: CONSTITUTION, &C.

#### PART 1

#### CONSTITUTION

##### *Membership*

- 1 (1) The Secretary of State shall appoint not less than 10 or more than 15 individuals as members of the Commission (to be known as Commissioners).
- (2) The chief executive of the Commission (appointed under paragraph 7 below) shall be a Commissioner *ex officio*.
- 2 (1) In appointing Commissioners the Secretary of State shall—
  - (a) appoint an individual only if the Secretary of State thinks that the individual—
    - (i) has experience or knowledge relating to a relevant matter, or
    - (ii) is suitable for appointment for some other special reason, and
  - (b) have regard to the desirability of the Commissioners together having experience and knowledge relating to the relevant matters.
- (2) For the purposes of sub-paragraph (1) the relevant matters are those matters in respect of which the Commission has functions including, in particular—
  - (a) discrimination (whether on grounds of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation or otherwise), and
  - (b) human rights.
- (3) The Secretary of State shall ensure that the Commission includes—
  - (a) a Commissioner appointed under paragraph 1(1) who is (or has been) a disabled person,
  - (b) a Commissioner appointed under paragraph 1(1), with the consent of the Scottish Ministers, who knows about conditions in Scotland, and
  - (c) a Commissioner appointed under paragraph 1(1), with the consent of the National Assembly for Wales, who knows about conditions in Wales.
- (4) A person may not be appointed for the purpose of satisfying more than one paragraph of sub-paragraph (3).

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### *Tenure*

- 3
- (1) A Commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).
  - (2) The appointment of a Commissioner must be expressed to be for a specified period of not less than two years or more than five years.
  - (3) A Commissioner whose period of membership has expired may be re-appointed.
  - (4) A Commissioner may resign by notice in writing to the Secretary of State.
  - (5) The Secretary of State may dismiss a Commissioner who is, in the opinion of the Secretary of State, unable, unfit or unwilling to perform his functions.
  - (6) This paragraph does not apply to the chief executive.

### *Chairman*

- 4
- (1) The Secretary of State shall appoint—
    - (a) a Commissioner as Chairman, and
    - (b) one or more Commissioners as deputy Chairman.
  - (2) The Chairman shall—
    - (a) preside over meetings of the Commission,
    - (b) perform such functions as may be specified in the terms of his appointment, and
    - (c) perform such other functions as may be assigned to him by the Commission.
  - (3) A deputy Chairman—
    - (a) may act for the Chairman when he is unavailable, and
    - (b) shall perform—
      - (i) such functions as may be specified in the terms of his appointment, and
      - (ii) such other functions as the Chairman may delegate or assign to him.
  - (4) The Chairman or a deputy Chairman—
    - (a) shall vacate office if he ceases to be a Commissioner,
    - (b) may resign by notice in writing to the Secretary of State, and
    - (c) otherwise, shall hold and vacate office in accordance with the terms of his appointment (and may be reappointed).
  - (5) If the Chairman resigns he shall cease to be a Commissioner (but he may be reappointed as a Commissioner).
  - (6) The chief executive may not be appointed Chairman or deputy Chairman.

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## PART 2

### PROCEEDINGS

#### *Procedure*

- 5 The Commission may regulate its own proceedings (subject to this Schedule).
- 6 (1) The Commission shall determine a quorum for its meetings.
- (2) At least five Commissioners must participate in the process by which a determination under sub-paragraph (1) is made.

#### *Staff*

- 7 (1) The Commission—
- (a) shall appoint a chief executive, and
  - (b) may appoint other staff.
- (2) A person may be appointed under sub-paragraph (1)(a) only with the consent of the Secretary of State.
- (3) An appointment may be made under sub-paragraph (1)(b) only if consistent with arrangements determined by the Commission and approved by the Secretary of State as to—
- (a) numbers, and
  - (b) terms and conditions of appointment.
- 8 At the end of section 3(2) of the Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) (exempt employers) add—
- “; and
- (c) the Commission for Equality and Human Rights.”

#### *Investigating Commissioners*

- 9 (1) The Commission may appoint one or more Investigating Commissioners.
- (2) An Investigating Commissioner may be appointed only—
- (a) for the purpose of having delegated to him by the Commission the function of taking action of a kind listed in sub-paragraph (3), and
  - (b) with the consent of the Secretary of State.
- (3) The kinds of action referred to in sub-paragraph (2)(a) are—
- (a) carrying out an inquiry under section 16,
  - (b) carrying out an investigation under section 20,
  - (c) giving an unlawful act notice under section 21, and
  - (d) entering into an agreement under section 23.

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- (4) An Investigating Commissioner is not a Commissioner; but paragraphs 3(1), (4) and (5) and 33 apply to him as if he were (and with the substitution of references to the Commission for references to the Secretary of State).

**Modifications etc. (not altering text)**

- C1** Sch. 1 para. 9(3)(b) modified (1.10.2007) by [The Equality Act 2006 \(Dissolution of Commissions and Consequential and Transitional Provisions\) Order 2007 \(S.I. 2007/2602\)](#), **art. 5(2)**

*Delegation*

- 10 (1) The Commission may delegate a function—
- (a) to a Commissioner,
  - (b) to staff, or
  - (c) in accordance with paragraph 9, to an Investigating Commissioner.
- (2) Paragraphs 15, 21, 22, 29, 30 and 52 make provision about delegation to committees.

*Committees*

- 11 (1) The Commission may establish one or more committees (to be known as advisory committees) to advise—
- (a) the Commission, or
  - (b) an Investigating Commissioner.
- (2) An advisory committee may include any of the following—
- (a) Commissioners;
  - (b) staff;
  - (c) other non-Commissioners.
- 12 (1) The Commission may establish one or more committees to whom the Commission may delegate functions (to be known as decision-making committees).
- (2) A decision-making committee may include any of the following—
- (a) Commissioners;
  - (b) staff;
  - (c) other non-Commissioners.
- (3) The Commission shall ensure that the Chairman of each decision-making committee is a Commissioner.
- (4) In allocating its resources the Commission shall ensure that each decision-making committee receives a share sufficient to enable it to exercise its functions.
- 13 A member of a committee shall hold and vacate office in accordance with the terms of his appointment by the Commission (which may include provision for dismissal).
- 14 The Commission—
- (a) may, to any extent, regulate the proceedings of a committee (and may, in particular, determine a quorum for meetings),

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- (b) may, to any extent, permit a committee to regulate its own proceedings (and may, in particular, enable a committee to determine a quorum for meetings), and
  - (c) may dissolve a committee.
- 15 (1) The Commission may delegate a function to a decision-making committee.
- (2) This paragraph is subject to paragraphs 21, 22, 29, 30 and 52.

#### *Scotland Committee*

- 16 (1) The Commission shall establish a decision-making committee to be known as the Scotland Committee.
- (2) The Commission shall ensure that the Scotland Committee is established before any of sections 8 to 12 comes into force (to any extent).
- 17 The Commission shall appoint as the Chairman of the Scotland Committee a Commissioner appointed for the purpose of satisfying paragraph 2(3)(b).
- 18 The Commission shall appoint each member of the Scotland Committee for a period of not less than two years or more than 5 years, subject to the possibilities of—
- (a) reappointment, and
  - (b) dismissal in accordance with the terms of appointment.
- 19 The Scotland Committee shall advise the Commission about the exercise of the Commission's functions in so far as they affect Scotland.
- 20 Before exercising a function in a manner which in the opinion of the Commission is likely to affect persons in Scotland, the Commission shall consult the Scotland Committee.
- 21 (1) The power under section 13—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Scotland Committee in so far as its exercise, in the opinion of the Commission, affects Scotland, and
  - (b) to that extent shall not be exercisable by the Commission.
- (2) Sub-paragraph (1) shall not apply to the power under section 13 in so far as it is treated as delegated to the Disability Committee in accordance with paragraph 52.
- (3) Sub-paragraph (1) shall not prevent the Commission from making arrangements under section 13(1)(d) or (e) for the provision of advice or guidance to persons anywhere in Great Britain.
- 22 (1) The power under section 11(2)(c)—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Scotland Committee in so far as it concerns the giving of advice to devolved government about enactments which, in the opinion of the Commission, affect only Scotland, and
  - (b) to that extent shall not be exercisable by the Commission.
- (2) The power under section 11(2)(d)—
- (a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Scotland Committee in so far as it concerns the giving of

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advice to devolved government about proposed changes in the law which, in the opinion of the Commission, would affect only Scotland, and

(b) to that extent shall not be exercisable by the Commission.

(3) Sub-paragraphs (1) and (2) shall not apply to the powers under section 11(2)(c) and (d) in so far as they are treated as delegated to the Disability Committee in accordance with paragraph 52.

23 In allocating its resources the Commission shall ensure that the Scotland Committee receives a share sufficient to enable it to exercise its functions.

#### *Wales Committee*

24 (1) The Commission shall establish a decision-making committee to be known as the Wales Committee.

(2) The Commission shall ensure that the Wales Committee is established before any of sections 8 to 12 comes into force (to any extent).

25 The Commission shall appoint as the Chairman of the Wales Committee a Commissioner appointed for the purpose of satisfying paragraph 2(3)(c).

26 The Commission shall appoint each member of the Wales Committee for a period of not less than two years or more than 5 years, subject to the possibilities of—

(a) reappointment, and

(b) dismissal in accordance with the terms of appointment.

27 The Wales Committee shall advise the Commission about the exercise of its functions in so far as they affect Wales.

28 Before exercising a function in a manner which in the opinion of the Commission is likely to affect persons in Wales, the Commission shall consult the Wales Committee.

29 (1) The power under section 13—

(a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Wales Committee in so far as its exercise, in the opinion of the Commission, affects Wales, and

(b) to that extent shall not be exercisable by the Commission.

(2) Sub-paragraph (1) does not apply to the power under section 13 in so far as it is treated as delegated to the Disability Committee in accordance with paragraph 52.

(3) Sub-paragraph (1) shall not prevent the Commission from making arrangements under section 13(1)(d) or (e) for the provision of advice or guidance to persons anywhere in Great Britain.

30 (1) The power under section 11(2)(c)—

(a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Wales Committee in so far as it concerns the giving of advice to devolved government about enactments which, in the opinion of the Commission, affect only Wales, and

(b) to that extent shall not be exercisable by the Commission.

(2) The power under section 11(2)(d)—

(a) shall be treated by virtue of this paragraph as having been delegated by the Commission to the Wales Committee in so far as it concerns the giving of

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advice to devolved government about proposed changes in the law which, in the opinion of the Commission, would affect only Wales, and

(b) to that extent shall not be exercisable by the Commission.

(3) Sub-paragraphs (1) and (2) shall not apply to the powers under section 11(2)(c) and (d) in so far as they are treated as delegated to the Disability Committee in accordance with paragraph 52.

31 In allocating its resources the Commission shall ensure that the Wales Committee receives a share sufficient to enable it to exercise its functions.

#### *Annual report*

32 (1) The Commission shall for each financial year prepare a report on the performance of its functions in that year (to be known as its annual report).

(2) An annual report shall, in particular, indicate in what manner and to what extent the Commission's performance of its functions has accorded to the plan under section 4.

(3) The matters addressed by an annual report shall, in particular, include the Commission's activities in relation to—

- (a) Scotland, and
- (b) Wales.

(4) The Commission shall send each annual report to the Secretary of State within such period, beginning with the end of the financial year to which the report relates, as he may specify.

(5) The Secretary of State shall lay before Parliament a copy of each annual report received under sub-paragraph (4).

(6) The Commission shall send a copy of each annual report to—

- (a) the Scottish Parliament, and
- (b) the National Assembly for Wales.

#### *Savings*

33 The validity of proceedings of the Commission shall not be affected by—

- (a) a vacancy (whether for Commissioner, Chairman, deputy Chairman or chief executive), or
- (b) a defect in relation to an appointment.

34 The validity of proceedings of a committee of the Commission shall not be affected by—

- (a) a vacancy (including a vacancy in the office of Chairman), or
- (b) a defect in relation to an appointment (including a defect in relation to the office of Chairman).

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### PART 3

#### MONEY

##### *Remuneration, &c.*

- 35 (1) The Commission may pay to the Chairman, a deputy Chairman or another Commissioner—
- (a) such remuneration as the Secretary of State may determine, and
  - (b) such travelling and other allowances as the Secretary of State may determine.
- (2) The Commission may pay to or in respect of the Chairman, a deputy Chairman or another Commissioner such sums as the Secretary of State may determine by way of, or in respect of, pensions, allowances or gratuities.
- (3) If the Secretary of State thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman, deputy Chairman or Commissioner to receive compensation, the Commission may pay to him such compensation as the Secretary of State may determine.
- (4) This paragraph does not apply to the Chief Executive.
- 36 (1) The Commission may pay sums to or in respect of a member or former member of staff by way of or in respect of—
- (a) remuneration,
  - (b) allowances,
  - (c) pensions,
  - (d) gratuities, or
  - (e) compensation for loss of employment.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place—
- (a) “The Commission for Equality and Human Rights.”
- (3) The Commission shall pay to the Minister for the Civil Service such sums as he may determine in respect of any increase attributable to sub-paragraph (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c. 11).
- 37 (1) The Commission may, with the approval of the Secretary of State, pay sums to or in respect of a member or former member of an advisory or decision-making committee by way of or in respect of—
- (a) remuneration,
  - (b) allowances, or
  - (c) gratuities.
- (2) This paragraph does not apply in relation to a person who is a member of staff of the Commission.
- (3) Approval for the purposes of sub-paragraph (1) may be general or specific.



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### *Funding by Secretary of State*

- 38 The Secretary of State shall pay to the Commission such sums as appear to the Secretary of State reasonably sufficient for the purpose of enabling the Commission to perform its functions.

### *Charging*

- 39 The Commission may make a charge for a service provided under section 13 or 27.

### *Accounts*

- 40 (1) The Commission shall—
- (a) keep proper accounting records, and
  - (b) prepare a statement of accounts in respect of each financial year in such form as the Secretary of State may direct.
- (2) The Commission shall send a copy of a statement under sub-paragraph (1)(b) to—
- (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on a statement received under this paragraph, and
  - (b) lay a copy of the statement and his report before Parliament.
- (5) The Secretary of State may make a direction under sub-paragraph (1)(b) only with the consent of the Treasury.

### *Financial year*

- 41 (1) The financial year of the Commission shall be the period of 12 months ending with 31st March.
- (2) But the first financial year of the Commission shall be the period—
- (a) beginning with the coming into force of section 1, and
  - (b) ending with—
    - (i) the following 31st March, if that section comes into force on 1st April, and
    - (ii) the second following 31st March, in any other case.

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## PART 4

### STATUS, &C.

#### *Status*

- 42 (1) The Commission shall not—
- (a) be regarded as the servant or agent of the Crown, or
  - (b) enjoy any status, immunity or privilege of the Crown.
- (2) Service as Commissioner, Investigating Commissioner or employee of the Commission is not employment in the civil service of the State.
- (3) The Secretary of State shall have regard to the desirability of ensuring that the Commission is under as few constraints as reasonably possible in determining—
- (a) its activities,
  - (b) its timetables, and
  - (c) its priorities.

#### *Supervision*

- 43 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) at the appropriate place insert— “ The Commission for Equality and Human Rights. ”

#### *Disqualifications*

- 44 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies all members of which are disqualified) at the appropriate place insert— “ The Commission for Equality and Human Rights. ”
- (2) In Part III of that Schedule (other disqualifying offices) at the appropriate place insert — “ Investigating Commissioner of, or member of a decision-making committee of, the Commission for Equality and Human Rights. ”
- 45 (1) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies all members of which are disqualified) at the appropriate place insert — “ The Commission for Equality and Human Rights. ”
- (2) In Part III of that Schedule (other disqualifying offices) at the appropriate place insert — “ Investigating Commissioner of, or member of a decision-making committee of, the Commission for Equality and Human Rights. ”
- 46 A Commissioner or Investigating Commissioner, and a member of a decision-making committee of the Commission, shall be disqualified from being a member of the National Assembly for Wales.

#### *Records*

- 47 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) at the appropriate place in Part II of the Table at the end of paragraph 3 insert— “ The Commission for Equality and Human Rights. ”

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### *Freedom of information*

- 48 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies) at the appropriate place insert— “The Commission for Equality and Human Rights.”

## **PART 5**

### **DISABILITY COMMITTEE**

#### *Establishment*

- 49 (1) The Commission shall establish a decision-making committee to be known as the Disability Committee.
- (2) The Commission shall ensure that the Disability Committee is established before either section 8 or section 10, in so far as they relate to disability, comes into force (to any extent).

#### *Membership*

- 50 (1) The Commission shall ensure that—
- (a) there are not less than 7 or more than 9 members of the Disability Committee,
  - (b) at least one half of the members are (or have been) disabled persons, and
  - (c) the Chairman is (or has been) a disabled person.
- (2) The Transition Commissioner nominated by the chairman of the Disability Rights Commission may not be a member of the Disability Committee.
- 51 The appointment of each member of the Disability Committee shall be for a period of not less than two years or more than 5 years, subject to the possibilities of—
- (a) reappointment,
  - (b) dismissal in accordance with the terms of appointment, and
  - (c) the lapsing of the appointment upon the dissolution of the Committee.

#### *Functions*

- 52 (1) The Commission shall by virtue of this paragraph be treated as having delegated to the Disability Committee—
- (a) the Commission's duty under section 8 in so far as it relates to disability matters and may be fulfilled by the exercise of the powers conferred by or referred to in—
    - (i) section 11,
    - (ii) section 13(1)(a), (c) or (d) (or paragraph (e) or (f) in so far as it relates to paragraph (a), (c) or (d)),
    - (iii) section 14,
    - (iv) section 15,
    - (v) section 19, in so far as it relates to disability,
    - (vi) section 27,
    - (vii) section 28, or
    - (viii) section 30,

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- (b) the Commission's duty under section 10 in so far as it relates to disability and may be fulfilled by the exercise of those powers, and
  - (c) those powers in so far as they are or may be exercised for the purpose of disability matters.
- (2) Delegation under this paragraph shall not prevent the exercise by the Commission of a power, or the fulfilment by the Commission of a duty, by action which relates partly to disability matters and partly to other matters.
- (3) In this paragraph “disability matters” means—
- (a) matters provided for in Parts 1, 3, 4, 5 and 5B of the Disability Discrimination Act 1995 (c. 50),
  - (b) sections 8 and 10 above, in so far as they relate to disability, and
  - (c) matters addressed in sections 14(3) and (4), 27(2) and (3) and 28(2) and (3).
- (4) Before exercising a power to which paragraph 21(2) or 22(3) applies the Disability Committee shall consult the Scotland Committee.
- (5) Before exercising a power to which paragraph 29(2) or 30(3) applies the Disability Committee shall consult the Wales Committee.
- 53 Before exercising a power or fulfilling a duty wholly or partly in relation to a matter affecting disabled persons (including, in particular, any matter provided for in Part 2 of the Disability Discrimination Act 1995 (c. 50)) the Commission shall consult the Disability Committee.
- 54 The Disability Committee shall advise the Commission about the exercise of the Commission's functions in so far as they affect disabled persons (including, in particular, in so far as they relate to any matter provided for in Part 2 of the Disability Discrimination Act 1995).

#### *Resources*

- 55 In allocating its resources the Commission shall ensure that the Disability Committee receives a share sufficient to enable it to exercise its functions.

#### *Report*

- 56 (1) The Disability Committee shall for each financial year of the Commission submit to the Commission a report on the Committee's activities in that year.
- (2) The Commission shall incorporate each report of the Disability Committee under sub-paragraph (1) into the relevant annual report of the Commission.

#### *5-year review*

- 57 The Commission shall arrange for a review of the activities of the Disability Committee to be conducted as soon as is reasonably practicable after the end of the period of five years beginning with the date of the commencement for all purposes of sections 8 and 10 in so far as they relate to disability.
- 58 The following may not participate in the review (although those conducting the review may seek views from any of the following)—
- (a) a Commissioner or former Commissioner,
  - (b) staff or former staff of the Commission,

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- (c) a person who is or has been an Investigating Commissioner, and
  - (d) a person who is or has been a member of a committee established by the Commission.
- 59 The Commission shall ensure—
- (a) that those conducting the review consult disabled persons and other persons whom they think likely to have an interest,
  - (b) that those conducting the review submit a report to the Commission which, in particular, recommends for how long the Disability Committee should continue in existence, and
  - (c) that the report is published.
- 60 As soon as is reasonably practicable after receiving a report under paragraph 59 the Commission shall recommend to the Secretary of State for how long the Disability Committee should continue in existence.
- 61 As soon as is reasonably practicable after receiving a recommendation under paragraph 60 the Secretary of State shall by order—
- (a) dissolve the Disability Committee with effect from such time as shall be specified in the order, and
  - (b) repeal this Part of this Schedule with effect from that time.
- 62 An order under paragraph 61 may include provision about—
- (a) the conduct of the business of the Disability Committee before its dissolution;
  - (b) the conduct of the Commission after the dissolution of the Disability Committee in relation to functions formerly delegated to that committee.
- 63 The dissolution of the Disability Committee is without prejudice to any power of the Commission under this Schedule—
- (a) to establish a committee, or
  - (b) to delegate to a committee.
- 64 The Disability Committee may not be dissolved under paragraph 14(c).

VALID FROM 01/10/2007

SCHEDULE 2

Sections 16, 20 and 31

INQUIRIES, INVESTIGATIONS AND ASSESSMENTS

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## SCHEDULE 3

Section 40

### AMENDMENTS CONSEQUENTIAL ON PART 1

VALID FROM 01/10/2007

*Public Records Act 1958 (c. 51)*

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records) omit the reference to the Disability Rights Commission.

VALID FROM 01/10/2007

*Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, &c. subject to investigation) omit the references to—
- (a) the Commission for Racial Equality,
  - (b) the Disability Rights Commission, and
  - (c) the Equal Opportunities Commission.

VALID FROM 01/10/2007

*Superannuation Act 1972 (c. 11)*

- 3 In Schedule 1 to the Superannuation Act 1972 (employments) omit the references to—
- (a) the Commission for Racial Equality,
  - (b) the Disability Rights Commission, and
  - (c) the Equal Opportunities Commission.

VALID FROM 01/10/2007

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In Part II of Schedule 1 (bodies of which all members are disqualified) omit the references to—
- (a) the Commission for Racial Equality,
  - (b) the Disability Rights Commission, and
  - (c) the Equal Opportunities Commission.
- (3) In Part III of Schedule 1 (disqualifying offices) omit the references to—
- (a) Additional Commissioner of the Commission for Racial Equality, and

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(b) Additional Commissioner of the Equal Opportunities Commission.

VALID FROM 01/10/2007

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.
- (2) In Part II of Schedule 1 (bodies of which all members are disqualified) omit the references to—
- (a) the Commission for Racial Equality,
  - (b) the Disability Rights Commission, and
  - (c) the Equal Opportunities Commission.
- (3) In Part III of Schedule 1 (disqualifying offices) omit the references to—
- (a) Additional Commissioner of the Commission for Racial Equality, and
  - (b) Additional Commissioner of the Equal Opportunities Commission.

VALID FROM 01/10/2007

*Sex Discrimination Act 1975 (c. 65)*

- 6 The Sex Discrimination Act 1975 shall be amended as follows.
- 7 In section 37(3) (discriminatory practices) for “sections 67 to 71 of this Act” substitute “ sections 20 to 24 of the Equality Act 2006 ”.
- 8 At the end of section 38 (discriminatory advertisements) add—
- “(6) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
  - (b) in accordance with section 25 of the Equality Act 2006.”
- 9 At the end of section 39 (instructions to discriminate (which becomes subsection (1))) add—
- “(2) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
  - (b) in accordance with section 25 of the Equality Act 2006.”
- 10 At the end of section 40 (pressure to discriminate) add—
- “(3) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
  - (b) in accordance with section 25 of the Equality Act 2006.”
- 11 Part VI (the Equal Opportunities Commission) shall cease to have effect.

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- |    |  |
|----|--|
| 12 | Sections 67 to 73 (enforcement) shall cease to have effect.  |
| 13 | Section 75 (assistance by Equal Opportunities Commission) shall cease to have effect.  |
| 14 | <p>(1) Section 76 (timing of proceedings) shall be amended as follows.</p> <p>(2) In subsection (2A) for “two months.” substitute “ three months. ”</p> <p>(3) After subsection (2B) insert—</p> <p style="padding-left: 40px;">“(2C) The period allowed by subsection (2)(a) or (b) shall be extended by three months in the case of a dispute which is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 (unless the period is extended under subsection (2A)).”</p> <p>(4) Subsections (3) and (4) shall cease to have effect.</p> <p>(5) In subsection (5) for “complaint, claim or application” substitute “ complaint or claim ”.</p>   |
| 15 | Section 76D (public authorities: enforcement) (inserted by section 85 of this Act) shall cease to have effect.   |
| 16 | Section 76E (codes of practice) (inserted by section 86 of this Act) shall cease to have effect.   |
| 17 | <p>In section 81 (orders)—</p> <p style="padding-left: 20px;">(a) in subsection (1) omit the words “and 59(2)”, and</p> <p style="padding-left: 20px;">(b) in subsection (2) omit the words “, 59(2)”.</p>   |
| 18 | <p>In section 82 (interpretation)—</p> <p style="padding-left: 20px;">(a) in subsection (1)—</p> <p style="padding-left: 40px;">(i) in the definition of “the Commission”, for “Equal Opportunities Commission” substitute “ Commission for Equality and Human Rights ”, and</p> <p style="padding-left: 40px;">(ii) omit the definitions of “formal investigation” and “non-discrimination notice”, and</p> <p style="padding-left: 20px;">(b) in subsection (4)—</p> <p style="padding-left: 40px;">(i) after “this Act” omit the words “a non-discrimination notice or”,</p> <p style="padding-left: 40px;">(ii) after “the appeal against the” omit the words “notice or”, and</p> <p style="padding-left: 40px;">(iii) omit the words from “and for this purpose” to the end.</p> |
| 19 | <p>In Schedule 2 (education admissions: transitional exemption)—</p> <p style="padding-left: 20px;">(a) in paragraph 5(1) for “Equal Opportunities Commission set up under Part VI” substitute “ the Commission ”, and</p> <p style="padding-left: 20px;">(b) in paragraph 6 for “Equal Opportunities Commission” substitute “ the Commission ”.</p>   |
| 20 | Schedule 3 (Equal Opportunities Commission) shall cease to have effect.  |



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VALID FROM 01/10/2007

*Race Relations Act 1976 (c. 74)*

- 21 The Race Relations Act 1976 shall be amended as follows.
- 22 In section 28(3) (discriminatory practices), for “sections 58 to 62” substitute “sections 20 to 24 of the Equality Act 2006”.
- 23 At the end of section 29 (discriminatory advertisements) add—
- “(6) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
- (b) in accordance with section 25 of the Equality Act 2006.”
- 24 At the end of section 30 (instructions to discriminate, &c. (which becomes subsection (1))) add—
- “(2) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
- (b) in accordance with section 25 of the Equality Act 2006.”
- 25 At the end of section 31 (pressure to discriminate, &c.) add—
- “(3) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
- (b) in accordance with section 25 of the Equality Act 2006.”
- 26 Part VII (Commission for Racial Equality) shall cease to have effect.
- 27 Sections 58 to 64 (enforcement) shall cease to have effect.
- 28 Section 66 (assistance by Commission for Racial Equality) shall cease to have effect.
- 29 (1) Section 68 (timing of proceedings) shall be amended as follows.
- (2) Subsection (3) shall cease to have effect.
- (3) In subsection (3A)—
- (a) omit paragraph (c), and
- (b) for “two months.” substitute “ three months. ”
- (4) After subsection (3B) insert—
- “(3C) The period allowed by subsection (2)(a) shall be extended by three months in the case of a dispute which is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 (unless it is extended under subsection (3A)).”
- (5) Subsections (4) and (5) shall cease to have effect.
- (6) In subsection (6) for “complaint, claim or application” substitute “ complaint or claim ”.

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- 30 Section 71C (codes of practice) shall cease to have effect.
- 31 Sections 71D and 71E (general public authority duty: compliance notice) shall cease to have effect.
- 32 In section 74 (orders and regulations)—
- (a) in subsection (1) omit the words “(except section 50(2)(a))”,
  - (b) in subsection (2) for “(except sections 50(2)(a) and 73(1))” substitute “(except section 73(1))”, and
  - (c) subsection (5) shall cease to have effect.
- 33 In section 78 (interpretation)—
- (a) in subsection (1)—
    - (i) in the definition of “the Commission” for “Commission for Racial Equality” substitute “ Commission for Equality and Human Rights ”, and
    - (ii) omit the definitions of “non-discrimination notice” and “formal investigation”, and
  - (b) in subsection (4)—
    - (i) after “this Act” omit the words “a non-discrimination notice or”,
    - (ii) after “the appeal against the” omit the words “notice or”, and
    - (iii) omit the words from “and for this purpose” to the end of the subsection.
- 34 Schedule 1 (Commission for Racial Equality) shall cease to have effect.
- 35 In Part II of Schedule 1A (general statutory duty)—
- (a) omit the references to—
    - (i) the Commission for Racial Equality,
    - (ii) the Disability Rights Commission, and
    - (iii) the Equal Opportunities Commission, and
  - (b) at the appropriate place insert “ Commission for Equality and Human Rights ”.

**Commencement Information**

- II** Sch. 3 para. 35 wholly in force at 1.10.2007; Sch. 3 para. 35 not in force at Royal Assent, see s. 93; Sch. 3 para. 35(b) in force at 18.4.2006 by S.I. 2006/1082, art. 2(m); Sch. 3 para. 35(a) in force at 1.10.2007 by S.I. 2007/2603, art. 2(d) (with art. 3)

VALID FROM 01/10/2007

*Estate Agents Act 1979 (c. 38)*

- 36 The Estate Agents Act 1979 shall be amended as follows.
- 37 In section 9(6) (provision of information to Office of Fair Trading)—
- (a) for paragraph (a) substitute—
    - “(a) the Commission for Equality and Human Rights, and”,
    - and

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- (b) paragraph (c) (and the word “and” immediately before it) shall cease to have effect.
- 38 (1) Schedule 1 shall be amended as follows.
- (2) For paragraph 2(b) to (d) substitute—
- “(b) where he has been given an unlawful act notice under section 21 of the Equality Act 2006 and no appeal under that section is pending or can be brought;
- (c) where he is the subject of an injunction, interdict or order under section 24 (unlawful acts) or 25 (unlawful advertising, pressure, &c.) of the Equality Act 2006;
- (d) where—
- (i) a county court has determined in accordance with section 25 of the Equality Act 2006 that he committed an act which is unlawful under section 38, 39 or 40 of the Sex Discrimination Act 1975 or section 29, 30 or 31 of the Race Relations Act 1976 (unlawful advertising, pressure, &c.), and
- (ii) no appeal under section 25 of the Equality Act 2006 is pending or can be brought (disregarding an appeal out of time);”.
- (3) Paragraph 2(f) to (h) shall cease to have effect.
- (4) In the words following paragraph 2(h) after “injunction” insert “ , interdict ”.
- (5) In paragraph 4(1) and (2) omit—
- (a) the words “and notices”, and
- (b) the words “(1) and”.

VALID FROM 01/10/2007

*Legal Aid (Scotland) Act 1986 (c. 47)*

- 39 (1) The Legal Aid (Scotland) Act 1986 shall be amended as follows.
- (2) In section 4(2) (sums which may be paid out of the Scottish Legal Aid Fund), after paragraph (ab) insert—
- “(ac) any sums payable by the Board under section 17(2D) of this Act;”.
- (3) In section 17 (contributions and payments out of property recovered), after subsection (2B) insert—
- “(2C) Subsection (2D) below applies where, after applying sums paid to the Board under subsection (2A) above in respect of the expenses of any party in any proceedings—
- (a) there is a surplus in the Fund on the account of the party; and
- (b) the party received, in respect of the same proceedings, assistance from the Commission for Equality and Human Rights under section 28 of the Equality Act 2006 (power of the Commission to provide legal assistance).

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(2D) The Board shall apply the surplus to pay to the Commission any sums due to it under section 29(2) of that Act (Commission's entitlement to recover expenses incurred in providing assistance) in respect of the assistance provided by it to the party.”

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*Employment Act 1989 (c. 38)*

40 In section 28(2) of the Employment Act 1989 (orders) for “Equal Opportunities Commission” substitute “ Commission for Equality and Human Rights ”.

VALID FROM 01/10/2007

*Disability Discrimination Act 1995 (c. 50)*

41 The Disability Discrimination Act 1995 shall be amended as follows.

42 At the end of section 16B (discriminatory advertisements) add—

“(5) Proceedings in respect of a contravention of subsection (1) may be brought only—

- (a) by the Commission for Equality and Human Rights, and
- (b) in accordance with section 25 of the Equality Act 2006.”

43 At the end of section 16C (instructions and pressure to discriminate) add—

“(4) Proceedings in respect of a contravention of this section may be brought only—

- (a) by the Commission for Equality and Human Rights, and
- (b) in accordance with section 25 of the Equality Act 2006.”

44 Section 17B (proceedings by Disability Rights Commission) shall cease to have effect.

45 Section 28 (conciliation services) shall cease to have effect.

46 In sections 28C(4) and 28T(2) (non-discrimination in education) for “section 53A.” substitute “ section 14 of the Equality Act 2006. ”

47 Section 31B (conciliation services) shall cease to have effect.

48 In section 49D(5) for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”.

49 Sections 49E and 49F (public authorities: enforcement) shall cease to have effect.

50 Section 49H (let property: conciliation of disputes) shall cease to have effect.

51 Section 49I (conciliation of disputes: rented housing in Scotland) shall cease to have effect.

52 Section 53A (codes of practice) shall cease to have effect.

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- 53 In section 67(5)(b) (regulations and orders) omit the words “53A(6)(a)”.
- 54 In section 68(1) (interpretation), in the definition of “regulations” omit the words “to 49F”.
- 55 In section 70(5A) for “7B, 49G, 49H and 53A(1D) and (1E)” substitute “ 7B and 49G ”.
- 56 (1) For paragraph 6(2) of Schedule 3 (enforcement) substitute—
- “(2) Where, in relation to proceedings or prospective proceedings under section 25, the dispute concerned is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by three months.”
- (2) In each of paragraphs 10(2) and 13(2) of Schedule 3 (enforcement) —
- (a) for “section 28” or “section 31B” substitute “ section 27 of the Equality Act 2006 ”, and
- (b) for “two months.” substitute “ three months. ”

VALID FROM 30/04/2007

*Employment Tribunals Act 1996 (c. 17)*

- 57 After section 21(1)(gb) of the Employment Tribunals Act 1996 (jurisdiction of Employment Appeal Tribunal) insert—
- “(gc) the Equality Act 2006.”.

VALID FROM 01/10/2007

*Asylum and Immigration Act 1996 (c. 49)*

- 58 In section 8A(4)(a) of the Asylum and Immigration Act 1996, for “Commission for Racial Equality;” substitute “ Commission for Equality and Human Rights; ”.

VALID FROM 01/10/2007

*Disability Rights Commission Act 1999 (c. 17)*

- 59 The Disability Rights Commission Act 1999 shall cease to have effect.

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VALID FROM 01/10/2007

*Freedom of Information Act 2000 (c. 36)*

- 60 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public bodies) omit the references to—
- (a) the Commission for Racial Equality,
  - (b) the Disability Rights Commission, and
  - (c) the Equal Opportunities Commission.

VALID FROM 01/10/2007

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 61 In Schedule 4 to the Anti-terrorism, Crime and Security Act 2001 (disclosure)—
- (a) paragraphs 13, 14 and 46 shall cease to have effect, and
  - (b) after paragraph 53A insert—

*“Equality Act 2006*

53B Section 6 of the Equality Act 2006.”

VALID FROM 01/10/2007

*Housing (Scotland) Act 2001 (asp 10)*

- 62 In paragraph 8(e) of Schedule 5 to the Housing (Scotland) Act 2001, for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”.

VALID FROM 01/10/2007

*Housing (Scotland) Act 2006 (asp 01)*

- 63 In each of the following provisions of the Housing (Scotland) Act 2006, for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”
- (a) section 53(1)(g),
  - (b) section 65(4), and
  - (c) section 67(2)(b)(i).

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VALID FROM 01/10/2007

SCHEDULE 4

Section 91

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Records Act 1958 (c. 51)	In Part II of Schedule 1, the reference to the Disability Rights Commission.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.
Superannuation Act 1972 (c. 11)	In Schedule 1, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.
House of Commons Disqualification Act 1975 (c. 24)	In Part II of Schedule 1, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. In Part III of Schedule 1, the references to an Additional Commissioner of the Commission for Racial Equality and an Additional Commissioner of the Equal Opportunities Commission.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part II of Schedule 1, the references to the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. In Part III of Schedule 1, the references to an Additional Commissioner of the Commission for Racial Equality and an Additional Commissioner of the Equal Opportunities Commission.
Sex Discrimination Act 1975 (c. 65)	Part VI. Sections 67 to 73. Section 75. Section 76(3) and (4). Section 76D. Section 76E. In section 81(1) the words “and 59(2)”. In section 81(2) the words “, 59(2)”. In section 82(1) the definitions of “formal investigation” and “non-discrimination notice”.

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Race Relations Act 1976 (c. 74)	<p>In section 82(4) the words—</p> <ul style="list-style-type: none"> <li>(a) “a non-discrimination notice or”,</li> <li>(b) “notice or”, and</li> <li>(c) the words from “and for this purpose” to the end of the subsection.</li> </ul> <p>Schedule 3.</p> <p>Part VII.</p> <p>Sections 58 to 64.</p> <p>Section 66.</p> <p>Sections 71C to 71E.</p> <p>Section 68(3), (3A)(c), (4) and (5).</p> <p>In section 74(1), the words “(except section 50(2)(a))”.</p> <p>Section 74(5).</p> <p>In section 78(1) the definitions of “formal investigation” and “non-discrimination notice”.</p> <p>In section 78(4) the words—</p> <ul style="list-style-type: none"> <li>(a) “a non-discrimination notice or”,</li> <li>(b) “notice or”, and</li> <li>(c) the words from “and for this purpose” to the end of the subsection.</li> </ul> <p>Schedule 1.</p> <p>In Part II of Schedule 1A, the references to the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission.</p> <p>Paragraphs 1, 2, 6, 7, 8 and 9 of Schedule 4.</p>
Estate Agents Act 1979 (c. 38)	<p>Section 9(6)(c) (and the word “and” immediately before it).</p> <p>Paragraph 2(f) to (h) of Schedule 1.</p> <p>In each sub-paragraph of paragraph 4 of Schedule 1—</p> <ul style="list-style-type: none"> <li>(a) the words “and notices”, and</li> <li>(b) the words “(1) and”.</li> </ul>
County Courts Act 1984 (c. 28)	<p>Paragraphs 54 and 61 of Schedule 2.</p>
Legal Aid (Scotland) Act 1986 (c. 47)	<p>Paragraphs 5 and 6 of Schedule 3.</p>
Legal Aid Act 1988 (c. 34)	<p>Paragraphs 6 and 7 of Schedule 5.</p>
Housing Act 1988 (c. 50)	<p>Section 137.</p>
Employment Act 1989 (c. 38)	<p>Paragraph 16 of Schedule 6.</p>
Local Government and Housing Act 1989 (c. 42)	<p>Section 180.</p>
Trade Union Reform and Employment Rights Act 1993 (c. 19)	<p>Paragraph 15 of Schedule 7.</p>
Disability Discrimination Act 1995 (c. 50)	<p>Section 17B.</p> <p>Section 28.</p> <p>Section 31B.</p> <p>Section 49E.</p>



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	Section 49F. Section 49H. Section 49I. Section 53A. In section 67(5)(b), the words “, 53A(6)(a)”.
Employment Tribunals Act 1996 (c. 17)	In the definition of “regulations” in section 68(1), the words “to 49F”.
Disability Rights Commission Act 1999 (c. 17)	Paragraphs 3 and 4(3) of Schedule 1.
Access to Justice Act 1999 (c. 22)	The whole Act.
Race Relations (Amendment) Act 2000 (c. 34)	Paragraphs 13, 14 and 56 of Schedule 4.
Freedom of Information Act 2000 (c. 36)	Paragraphs 8, 9 and 11 of Schedule 2.
Special Educational Needs and Disability Act 2001 (c. 10)	In Part VI of Schedule 1, the references to the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission.
Anti-terrorism, Crime and Security Act 2001 (c. 24)	Sections 35 to 37. Schedule 7.
Nationality, Immigration and Asylum Act 2002 (c. 41)	Paragraphs 13, 14 and 46 of Schedule 4.
Disability Discrimination Act 2005 (c. 13)	Paragraphs 13 and 15 of Schedule 7.
Equality Act 2006	Section 16(2) and (3). Paragraphs 10, 25, 28 and 50 of Schedule 1. Section 86.

**Status:**

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