



# Equality Act 2006

## 2006 CHAPTER 3

### PART 1

#### THE COMMISSION FOR EQUALITY AND HUMAN RIGHTS

##### *Enforcement powers*

#### **22 Action plans**

- (1) This section applies where a person has been given a notice under section 21 which requires him (under section 21(4)(a)) to prepare an action plan.
- (2) The notice must specify a time by which the person must give the Commission a first draft plan.
- (3) After receiving a first draft plan from a person the Commission shall—
  - (a) approve it, or
  - (b) give the person a notice which—
    - (i) states that the draft is not adequate,
    - (ii) requires the person to give the Commission a revised draft by a specified time, and
    - (iii) may make recommendations about the content of the revised draft.
- (4) Subsection (3) shall apply in relation to a revised draft plan as it applies in relation to a first draft plan.
- (5) An action plan comes into force—
  - (a) if the period of six weeks beginning with the date on which a first draft or revised draft is given to the Commission expires without the Commission—
    - (i) giving a notice under subsection (3)(b), or
    - (ii) applying for an order under subsection (6)(b), or
  - (b) upon a court's declining to make an order under subsection (6)(b) in relation to a revised draft of the plan.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The Commission may apply to a county court (in England and Wales) or to the sheriff (in Scotland)—
  - (a) for an order requiring a person to give the Commission a first draft plan by a time specified in the order,
  - (b) for an order requiring a person who has given the Commission a revised draft plan to prepare and give to the Commission a further revised draft plan—
    - (i) by a time specified in the order, and
    - (ii) in accordance with any directions about the plan’s content specified in the order, or
  - (c) during the period of five years beginning with the date on which an action plan prepared by a person comes into force, for an order requiring the person—
    - (i) to act in accordance with the action plan, or
    - (ii) to take specified action for a similar purpose.
- (7) An action plan may be varied by agreement between the Commission and the person who prepared it.
- (8) Paragraphs 10 to 14 of Schedule 2 apply (but omitting references to oral evidence) in relation to consideration by the Commission of the adequacy of a draft action plan as they apply in relation to the conduct of an inquiry.
- (9) A person commits an offence if without reasonable excuse he fails to comply with an order under subsection (6); and a person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.