



# Equality Act 2010

## 2010 CHAPTER 15

### PART 7

#### ASSOCIATIONS

##### *Special provision for political parties*

#### **104 Selection of candidates**

- (1) This section applies to an association which is a registered political party.
- (2) A person does not contravene this Part only by acting in accordance with selection arrangements.
- (3) Selection arrangements are arrangements—
  - (a) which the party makes for regulating the selection of its candidates in a relevant election,
  - (b) the purpose of which is to reduce inequality in the party's representation in the body concerned, and
  - (c) which, subject to subsection (7), are a proportionate means of achieving that purpose.
- (4) The reference in subsection (3)(b) to inequality in a party's representation in a body is a reference to inequality between—
  - (a) the number of the party's candidates elected to be members of the body who share a protected characteristic, and
  - (b) the number of the party's candidates so elected who do not share that characteristic.
- (5) For the purposes of subsection (4), persons share the protected characteristic of disability if they are disabled persons (and section 6(3)(b) is accordingly to be ignored).

*Status: Point in time view as at 31/12/2020. This version of this cross heading contains provisions that are prospective.*

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- (6) Selection arrangements do not include short-listing only such persons as have a particular protected characteristic.
- (7) But subsection (6) does not apply to the protected characteristic of sex; and subsection (3)(c) does not apply to short-listing in reliance on this subsection.
- (8) The following elections are relevant elections—
- (a) Parliamentary Elections;
  - <sup>F1</sup>(b) .....
  - (c) elections to the Scottish Parliament;
  - (d) elections to the National Assembly for Wales;
  - (e) local government elections within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 (excluding elections for the Mayor of London).

#### Textual Amendments

- F1** S. 104(8)(b) repealed (31.12.2020) by The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, Sch. 1 Pt. 1 (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Commencement Information

- I1** S. 104 wholly in force at 1.10.2012; s. 104 not in force at Royal Assent see s. 216; s. 104 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(7)(a) (with art. 15); s. 104 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, art. 2(b)

### 105 Time-limited provision

- (1) Section 104(7) and the words “, subject to subsection (7),” in section 104(3)(c) are repealed at the end of 2030 unless an order is made under subsection (2).
- (2) At any time before the end of 2030, a Minister of the Crown may by order provide that subsection (1) is to have effect with the substitution of a later time for that for the time being specified there.
- (3) In section 3 of the Sex Discrimination (Election Candidates) Act 2002 (expiry of that Act), in subsection (1) for “2015” substitute “ 2030 ”.
- (4) The substitution made by subsection (3) does not affect the power to substitute a later time by order under section 3 of that Act.

#### Commencement Information

- I2** S. 105 wholly in force at 1.10.2012; s. 105 not in force at Royal Assent see s. 216; s. 105 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(7)(a) (with art. 15); s. 105 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, art. 2(b)

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PROSPECTIVE

## 106 Information about diversity in range of candidates, etc.

- (1) This section applies to an association which is a registered political party.
- (2) If the party had candidates at a relevant election, the party must, in accordance with regulations, publish information relating to protected characteristics of persons who come within a description prescribed in the regulations in accordance with subsection (3).
- (3) One or more of the following descriptions may be prescribed for the purposes of subsection (2)—
  - (a) successful applicants for nomination as a candidate at the relevant election;
  - (b) unsuccessful applicants for nomination as a candidate at that election;
  - (c) candidates elected at that election;
  - (d) candidates who are not elected at that election.
- (4) The duty imposed by subsection (2) applies only in so far as it is possible to publish information in a manner that ensures that no person to whom the information relates can be identified from that information.
- (5) The following elections are relevant elections—
  - (a) Parliamentary Elections;
  - <sup>F2</sup>(b) .....
  - (c) elections to the Scottish Parliament;
  - (d) elections to the National Assembly for Wales.
- (6) This section does not apply to the following protected characteristics—
  - (a) marriage and civil partnership;
  - (b) pregnancy and maternity.
- (7) The regulations may provide that the information to be published—
  - (a) must (subject to subsection (6)) relate to all protected characteristics or only to such as are prescribed;
  - (b) must include a statement, in respect of each protected characteristic to which the information relates, of the proportion that the number of persons who provided the information to the party bears to the number of persons who were asked to provide it.
- (8) Regulations under this section may prescribe—
  - (a) descriptions of information;
  - (b) descriptions of political party to which the duty is to apply;
  - (c) the time at which information is to be published;
  - (d) the form and manner in which information is to be published;
  - (e) the period for which information is to be published.
- (9) Provision by virtue of subsection (8)(b) may, in particular, provide that the duty imposed by subsection (2) does not apply to a party which had candidates in fewer constituencies in the election concerned than a prescribed number.
- (10) Regulations under this section—

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- (a) may provide that the duty imposed by subsection (2) applies only to such relevant elections as are prescribed;
- (b) may provide that a by-election or other election to fill a vacancy is not to be treated as a relevant election or is to be so treated only to a prescribed extent;
- (c) may amend this section so as to provide for the duty imposed by subsection (2) to apply in the case of additional descriptions of election.

(11) Nothing in this section authorises a political party to require a person to provide information to it.

#### Textual Amendments

- F2** S. 106(5)(b) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))

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