

**2004 No.3125**

**RACE RELATIONS**

**The Race Relations Act 1976 (Statutory Duties) Order 2004**

<i>Made</i> - - - -	<i>26th November 2004</i>
<i>Laid before Parliament</i>	<i>2nd December 2004</i>
<i>Coming into force</i> - -	<i>31st December 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the National Assembly for Wales and the Commission for Racial Equality, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2004 and shall come into force on 31<sup>st</sup> December 2004.

(2) In this Order—

“the Race Relations Act” means the Race Relations Act 1976;

“staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (discrimination in the employment field);

“the 2001 Order” means the Race Relations Act 1976 (Statutory Duties) Order 2001(b); and

references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

**Race equality schemes**

2.—(1) A body or other person specified in Schedule 1 to this Order shall, before 31<sup>st</sup> May 2005, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and

(b) that person’s arrangements for—

(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

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(a) 1976 c.74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000.  
(b) S.I. 2001/3458.

- (ii) monitoring its policies for any adverse impact on the promotion of race equality;
- (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31<sup>st</sup> May 2005, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

### **Monitoring by employers**

3.—(1) A person to which this article applies shall,

- (a) before 31<sup>st</sup> May 2005 have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,

- (a) the numbers of—
  - (i) staff in post, and
  - (ii) applicants for employment, training and promotion, from each such group, and
- (b) where that person has 150 or more full-time staff, the number of staff from each such group who—
  - (i) receive training;
  - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
  - (iii) are involved in grievance procedures;
  - (iv) are the subject of disciplinary procedures; or
  - (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Part IV of Schedule 1A to the Race Relations Act.

(5) This article does not apply to—

- (a) a person specified in Schedule 2 to this Order; or
- (b) a cross-border public authority in relation to the exercise of its Scottish functions within the meanings given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998<sup>(a)</sup>

(6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

### **Amendment of 2001 Order**

4. In Schedule 1 to the 2001 Order (bodies and other persons required to publish Race Equality Schemes), for the entry relating to a fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947 substitute “A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies”.

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(a) 1998 c.46.

## SCHEDULE 1

Article 2

### **BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES BY 31<sup>ST</sup> MAY 2005**

The Commission for Social Care Inspection  
The Commission for Healthcare Audit and Inspection  
The Independent Police Complaints Commission  
The National Lottery Commission  
The Office of Communications (Ofcom)  
The Social Fund Commissioner of the Independent Review Service  
The Standards Board for England  
The Law Society of England and Wales

## SCHEDULE 2

Article 3(5)(a)

### **BODIES AND OTHER PERSONS EXCEPTED BY ARTICLE 3(5)(A)**

The Social Fund Commissioner of the Independent Review Service  
The Women's National Commission

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order imposes certain duties on certain bodies and other persons who are subject to the general duty under section 71(1) of the Race Relations Act 1976, to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. It also amends an earlier order.

The duties are imposed for the purpose of ensuring the better performance of the general duty. The Order imposes on a body or other person specified in Schedule 1 to the Order a duty to publish, by 31<sup>st</sup> May 2005, a Race Equality Scheme, that is a Scheme showing how it intends to

fulfil the general duty and its duties under this Order. The Order also requires bodies and other persons specified in Part IV of Schedule 1A to the 1976 Act, other than those specified in article 3(5) of the Order, to have in place, by 31<sup>st</sup> May 2005, arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of employment by those bodies, and to fulfil those duties in accordance with such arrangements.

Article 4 of the Order amends an earlier order, the Race Relations Act 1976 (Statutory Duties) Order 2001 (SI 2001/3458), by amending one of the entries in Schedule 1 to that Order (bodies and other persons required to publish race equality schemes).

By virtue of section 5 of, and Schedule 1 to, the Interpretation Act 1978, references to a person in paragraphs (2) and (3) of article 2, and in paragraphs (1), (2), (3) and (5) of article 3, include references to a body.

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