

EXPLANATORY MEMORANDUM TO
THE RACE RELATIONS ACT 1976 (STATUTORY DUTIES) ORDER 2004
2004 No. 3125

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Race Relations Act 1976 (Statutory Duties) Order 2004 imposes specific duties on specified bodies listed in Schedule 1A of the Race Relations Act 1976. These bodies are required to produce a race equality scheme and/or monitor employment. Bodies have until 31 May 2005 to put in place plans to meet their obligations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This Order is being made to reflect the annual update of the list of bodies subject to the duty to promote race equality. Bodies subject to this duty are listed in Schedule 1A to the Race Relations Act 1976, which was inserted by the Race Relations (Amendment) Act 2000. The first Statutory Duties Order No.2001/3458 was laid before Parliament on 24 October 2001 and came into force on 3 December the same year, but bodies had until 31 May 2002 to put in place plans to meet their obligations. That Order imposed specific duties on bodies which were subject to the general duty.

A second Statutory Duty Order amending the 1976 Act was laid before Parliament on 26 November 2003 and came into force on 31 December 2003.

5. Extent

5.1 This instrument applies to England, Wales and Scotland.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State, Fiona Mactaggart, has made the following statement regarding Human Rights:

In my view the provisions of the Race Relations Act 1976 (Statutory Duties) Order 2004 are compatible with the Convention rights.

7. Policy background

7.1 The 2000 Act came into force on Monday, 2 April 2001. It strengthened the original Race Relations Act 1976. It met recommendation 11 of the Stephen Lawrence Inquiry Report (that the full force of race legislation should apply to the police) and went further.

Among other things the 2000 Act outlawed discrimination (direct and indirect) and victimisation in all public authority functions not covered by the original Race Relations Act 1976, with only limited exceptions.

As well as placing a general duty on specified public authorities the 2000 Act also gives the Secretary of State the power by order to impose on persons listed in Schedule 1A specific duties. This enables duties to be imposed on key public bodies in relation to their policy and service delivery functions to produce a race equality scheme. Such bodies that employ staff may, also be required, to ethnically monitor staff in post.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is minimal. The promotion of race equality should be an integral part of the way in which a public body performs its functions and not a resource intensive add on. The duty is about putting in place minimum standards across the public sector.

9. Contact

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