

**EXPLANATORY MEMORANDUM TO
THE RACE RELATIONS ACT 1976 (GENERAL STATUTORY DUTY)
ORDER 2004**

2004 No. 3127

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 (General Statutory Duty) Order amends Schedule 1 A of the Race Relations Act 1976. It changes the Schedule to take account of new bodies coming into existence, and listed bodies ceasing to exist and clarification of the name of bodies.

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 General Statutory Duty Order No.2001/3457 was laid before Parliament on 24 October 2001 and came into force on 3 December the same year. This Order extended the original list of bodies listed in Schedule 1A, as well as deleting bodies that had ceased to exist [or changed their status].

A second General Statutory 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 Great Britain.

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 (General Statutory Duty) Order 2004 are compatible with the Convention rights.

7. Policy background

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 relations 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.

It placed a general duty on specified public authorities to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Elimination of racial inequality from public services is a Government priority. The list of public bodies subject to the duty needs to be kept as up to date and as accurate as possible.

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 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.

This SI subjects the named bodies to precisely the same duty as those placed on the majority of public sector bodies already listed.

9. Contact

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