

**EXPLANATORY MEMORANDUM TO**  
**THE RACE RELATIONS ACT 1976 (STATUTORY DUTIES) ORDER 2006**

**2006 No. 2471**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Race Relations Act 1976 (Statutory Duties) Order 2006 imposes specific duties on certain of the bodies listed in Schedule 1A of the Race Relations Act 1976 (“the 1976 Act”) as being subject to the general duty under section 71(1) of the 1976 Act to have due regard, when exercising their functions, to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. These bodies are required to publish a race equality scheme or to monitor by reference to racial groups, the number of staff in post and the number of applicants for employment, training and promotion. The Order imposes additional requirements where a body has at least 150 full-time equivalent staff. Bodies will have until 2nd March 2007 to put arrangements in place for fulfilling these specific duties.

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

3.1 None.

**4. Legislative background**

4.1 This Order is made under section 71(2) and (3) of the Race Relations Act 1976. Hitherto, three such Orders have been made:

The Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458) was laid before Parliament on 24th October 2001 and came into force on 3rd December 2001. Bodies had until 31st May 2002 to put in place arrangements for meeting their obligations.

The Race Relations Act 1976 (Statutory Duties) Order 2003 (S.I. 2003/3006) was laid before Parliament on 26th November 2003 and came into force on 31st December 2006 with bodies having until 31st May 2004 to put arrangements in place.

The Race Relations Act 1976 (Statutory Duties) Order 2004 (S.I. 2004/3125) was laid before Parliament on 2nd December and came into force on 31st December 2004 with bodies having until 31st May 2005 to put arrangements in place.

**5. Extent**

This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

7.1 The Race Relations (Amendment) Act 2000, which came into force on 2nd April 2001, strengthened the 1976 Act. The 2000 Act responded to 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 direct and indirect discrimination and victimisation in all public authority functions not covered by the original Race Relations Act 1976, with limited exception;
- placed a general duty on specified public authorities to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity between persons of different racial groups; and
- gave the Secretary of State the power by Order to impose specific duties on the same public authorities to ensure better performance of the general statutory duty.

7.2 Consistently with previous Orders, this Order imposes two types of specific duty, outlined below.

7.2.1 A body listed in the Schedule to the Order is subject to a duty to publish a race equality scheme, stating which of its functions and policies are relevant to its performance of the general duty. The scheme must also set out how the body is to assess and consult on the likely impact of its proposed policies, to monitor any adverse impact its policies may have on the promotion of race equality, and to publish results of the assessment, consultation and monitoring. The scheme must also identify the body's arrangements for ensuring public access to the information and services it provides and for training staff in connection with the general duty.

7.2.2 This Order also requires bodies listed in Part 5 of Schedule 1A to the Race Relations Act 1976 to monitor by reference to racial groups, their staff numbers and numbers of people applying for employment, training and promotion. It is Government policy that bodies, which employ fewer than five staff, should not be subject to employment monitoring duties, which is why the duties do not apply to the Office for Fair Access. Bodies in Part 5 of Schedule 1A employing over 149 full-time equivalent staff must also monitor training, performance assessment procedures, grievance and disciplinary procedures and numbers leaving the organization. Results of the monitoring should be published annually.

### **Consultation**

7.3 This Order has been made following consultation with the Commission for Racial Equality and the National Assembly for Wales. Bodies to which this Order relates have been notified of the intention to extend the specific duties to them and most have confirmed that they are content. Two have not responded. None have indicated that

they are not content to be made subject to the specific duties.

## **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. Bodies, which have previously been subject to the general duty, are already required to publish race equality schemes if they have significant service or policy responsibilities, and they must comply with the employment duty if their staff numbers are above the threshold. None have indicated that the requirements impose an unacceptable regulatory burden.

## **9. Contact**

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