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STATUTORY INSTRUMENTS

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**2010 No. 1839**

**The Transfer of Functions (Equality) Order 2010**

**Citation and commencement**

- 1.—(1) This Order may be cited as the Transfer of Functions (Equality) Order 2010.  
(2) This Order comes into force on 18th August 2010.

**Interpretation**

2.—(1) In this Order “instrument” includes, in particular, Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

- (2) In this Order “equality function” means a function which by virtue of article 3—  
(a) is transferred from the Lord Privy Seal to the Secretary of State, or  
(b) ceases to be exercisable concurrently by the Lord Privy Seal.

**Transfer of equality functions**

3.—(1) The functions of the Lord Privy Seal under the following enactments<sup>(1)</sup> are transferred to the Secretary of State—

- (a) the Equal Pay Act 1970<sup>(2)</sup>;
- (b) the Sex Discrimination Act 1975<sup>(3)</sup>;
- (c) the Race Relations Act 1976<sup>(4)</sup>;
- (d) the Sex Discrimination (Election Candidates) Act 2002<sup>(5)</sup>;
- (e) section 213 of the Civil Partnership Act 2004<sup>(6)</sup>;
- (f) the Equality Act 2006<sup>(7)</sup>.

(2) The functions under the following enactments which are exercisable by the Secretary of State and the Lord Privy Seal concurrently<sup>(8)</sup> shall cease to be exercisable by the Lord Privy Seal—

- (a) the Employment and Training Act 1973<sup>(9)</sup>;
- (b) section 70 of the Charities Act 2006<sup>(10)</sup>.

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(1) The functions were transferred to the Lord Privy Seal by S.I. 2007/2914.  
(2) 1970 c. 41.  
(3) 1975 c. 65.  
(4) 1976 c. 74.  
(5) 2002 c. 2.  
(6) 2004 c. 33.  
(7) 2006 c. 3.  
(8) The functions are exercisable concurrently by virtue of S.I. 2007/2914.  
(9) 1973 c. 50.  
(10) 2006 c. 50.

### **Transfer of property, rights and liabilities**

4.—(1) There are transferred to the Secretary of State for the Home Department all property, rights and liabilities to which the Lord Privy Seal is entitled or subject at the coming into force of this Order in connection with any equality function, other than property, rights and liabilities transferred by paragraph (2).

(2) There are transferred to the Secretary of State for Communities and Local Government—

- (a) all immovable property to which the Lord Privy Seal is entitled at the coming into force of this Order in connection with any equality function, and
- (b) all rights and liabilities to which the Lord Privy Seal is entitled or subject at that time in connection with that property.

### **Supplementary**

5.—(1) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Lord Privy Seal may, so far as it relates to any equality function or anything transferred by article 4, be continued by or in relation to the transferee.

(2) Anything done (or having effect as if done) by or in relation to the Lord Privy Seal in connection with any equality function or anything transferred by article 4 has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the transferee.

(3) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as is necessary for the purposes of or in consequence of article 3 or 4, as if references to (and references which are to be read as references to) the Lord Privy Seal were or included references to the transferee.

(4) Documents or forms printed for use in connection with any equality function may be used in connection with that function even though they contain (or are to be read as containing) references to the Lord Privy Seal.

(5) For the purposes of the use of any such documents or forms after the coming into force of this Order, those references are to be read as references to the transferee.

(6) In this article “the transferee”—

- (a) in relation to an equality function or anything transferred by article 4(1), means the Secretary of State for the Home Department, and
- (b) in relation to anything transferred by article 4(2), means the Secretary of State for Communities and Local Government.

(7) In paragraphs (1) to (5) references to the Lord Privy Seal include references to the Government Equalities Office (when in the charge of the Lord Privy Seal) or an officer of that Office, and references to the transferee—

- (a) where the transferee is the Secretary of State for the Home Department, are to be read as including references to the Government Equalities Office (when in the charge of that Secretary of State) or an officer of that Office accordingly, and
- (b) where the transferee is the Secretary of State for Communities and Local Government, are to be read as including references to the department or an officer of that Secretary of State accordingly.

### **Supplemental: validity of things done before coming into force of Order**

6.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Lord Privy Seal before the coming into force of this Order.

(2) In paragraph (1) a reference to the Lord Privy Seal includes a reference to the Government Equalities Office or an officer of the Government Equalities Office.

**Consequential amendments**

7. The Schedule has effect.

*Judith Simpson*  
Clerk of the Privy Council