
EXPLANATORY NOTE

(This note is not part of the Order)

This is the fifth Commencement Order made under the Equality Act 2010 (c. 15) (“the Act”). The Equality Act 2010 (Commencement No. 1) Order 2010 (S.I. 2010/1736) (C. 91), the Equality Act 2010 (Commencement No. 2) Order 2010 (S.I. 2010/1966 (C. 104)), the Equality Act 2010 (Commencement No. 3) Order 2010 (S.I. 2010/2191 (C. 109)) and the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (S.I. 2010/2317 (C. 112)), as amended by the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (Amendment) Order 2010 (S.I. 2010/2337 (C. 113)), brought into force most of the provisions of the Act. The fourth Commencement Order (as amended) also set out savings, consequential, transitional, transitory and incidental provisions and a revocation in relation to existing legislation, which were required as a result of the repeal and revocation of previous discrimination legislation and its replacement by the Act. The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279) amended the Act, including by adding new provisions into the Act and renumbering existing provisions, some of which are brought into force by this Order.

This Order brings various provisions of the Act into force which were not brought into force by the earlier Commencement Orders. These provisions include enabling powers relating to the public sector equality duty and a provision concerning positive action in relation to recruitment and promotion in Part 11 of the Act.

Article 2 sets out the provisions of the Act which come into force on the day after the day on which the Order is made for the purpose of making orders specifying the public authorities in Schedule 19 to the Act to which the public sector equality duty applies and for the purpose of making regulations imposing requirements on such public authorities in order to enable the better performance of the duty.

Article 3 ensures that section 159, which provides for positive action in recruitment and promotion, is brought fully into force on 6th April 2011.