
STATUTORY INSTRUMENTS

2019 No. 305

**The Equality (Amendment and
Revocation) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

Amendment of the Gender Recognition Act 2004

2.—(1) The Gender Recognition Act 2004⁽¹⁾ is amended as follows.

(2) In section 21 (foreign gender change and marriage), in subsection (6), for “enforceable EU right” substitute “right which forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018”.

Amendment of the Civil Partnership Act 2004

3.—(1) The Civil Partnership Act 2004⁽²⁾ is amended as follows.

(2) In section 216 (the same-sex requirement), in subsection (6), for “enforceable EU right” substitute “right which forms part of retained EU law by virtue of section 3 or 4 of the European Union (Withdrawal) Act 2018”.

Amendment of the Equality Act 2006

4.—(1) The Equality Act 2006⁽³⁾ is amended as follows.

(2) In section 28 (legal assistance)—

(a) in subsection (12)—

- (i) for “a provision of” substitute “anything in retained”;
- (ii) insert “a provision of” before “the Equality Act 2010”.

(b) in subsection (13)—

- (i) in paragraph (a), for “a provision of” substitute “anything in retained”;
- (ii) in paragraph (b), insert “(as it had effect before exit day)” after “as required by EU law”.

Amendment of the Equality Act 2010

5.—(1) The Equality Act 2010⁽⁴⁾ is amended as follows.

(1) 2004 c.7.
(2) 2004 c.33.
(3) 2006 c.3.
(4) 2010 c.15.

- (2) In section 140AA (extension of time limits because of alternative dispute resolution in certain cross border or domestic contractual disputes), in subsection (1)—
- (a) omit paragraph (a);
 - (b) in paragraph (b), for “article 4(1)(h) of the ADR Directive” substitute “regulation 4 of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (S.I. 2015/542)”;
 - (c) for paragraph (d), substitute ““ADR procedure” means a procedure for the out-of-court resolution of disputes through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution”;
 - (d) for paragraph (f), substitute—
 - ““relevant dispute” means a dispute that—
 - (a) concerns obligations under a contract of sale or for services, and
 - (b) is between a trader established in the United Kingdom or the European Union and a consumer resident in the United Kingdom,

which the parties attempt to settle by recourse to a non-binding ADR procedure.”.
- (3) In section 162 (designated transport facilities), omit subsection (4).
- (4) Omit section 203 (harmonisation) and Schedule 24.
- (5) Omit section 204 (harmonisation: procedure).
- (6) In section 208 (Ministers of the Crown, etc.), in subsection (5), omit paragraph (h).
- (7) In Schedule 3 (services and public functions: exceptions),
- (a) in paragraph 15A (immigration)—
 - (i) in sub-paragraph (2), for “functions exercisable by virtue of a relevant enactment” substitute “relevant functions”;
 - (ii) in sub-paragraph (4)(b), for the words from “by a” to the end substitute “by or under anything mentioned in sub-paragraph (5)(a) to (c)”;
 - (iii) in sub-paragraph (5)—
 - (aa) for “The relevant enactments are” substitute ““Relevant functions” means functions exercisable by virtue of”;
 - (bb) in paragraph (b), at the end insert “or”;
 - (cc) in paragraph (c), for the words from the beginning to “which” substitute “anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and”;
 - (dd) omit paragraph (d) and the “and” before it;
 - (b) in paragraph 17 (immigration)—
 - (i) in sub-paragraph (2), for “functions exercisable by virtue of a relevant enactment” substitute “relevant functions”;
 - (ii) in sub-paragraph (4)(b), for the words from “by a” to the end substitute “by or under anything mentioned in sub-paragraph (5)(a) to (c)”;
 - (iii) in sub-paragraph (5)—
 - (aa) for “The relevant enactments are” substitute ““Relevant functions” means functions exercisable by virtue of”;
 - (bb) in paragraph (b), at the end insert “or”;

(cc) in paragraph (c), for the words from the beginning to “which” substitute “anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and”;

(dd) omit paragraph (d) and the “and” before it.

(8) In Schedule 18 (public sector equality duty: exceptions), in paragraph 2 (immigration) in sub-paragraph (2)(h), for the words from the beginning to “which” substitute “anything which forms part of retained EU law by virtue of section 2(2)(a), 3 or 4 of the European Union (Withdrawal) Act 2018 and”.

(9) In Schedule 23 (general exceptions), in paragraph 4 (training provided to non-EEA residents, etc) —

(a) in the heading, omit “EEA”;

(b) in sub-paragraph (2), for “an EEA state” substitute “Great Britain”;

(c) omit sub-paragraph (5)(a).