Draft Order laid before Parliament under section 208(2) and (8) of the Equality Act 2010, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

EQUALITY

The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011

Made - - - - ***

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 151(1), (5) and (6), 154(1), 207(4), (6) and (7) and 216(3) of the Equality Act 2010(**1**). The power under section 207(4)(b) is exercised in its application to section 216 of that Act.

The Secretary of State has consulted the Commission for Equality and Human Rights and the Welsh Ministers in accordance with section 152(1) of that Act.

In accordance with section 151(8) of that Act, the Secretary of State considers that the extension of the application of section 149 relates to persons by whom a public function is exercisable.

A draft of this Order was laid before and approved by a resolution of each House of Parliament in accordance with section 208(2) and (8) of that Act.

The Secretary of State, in exercise of those powers, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011.

(2) This Order comes into force on 4th April 2011 except for article 5 which comes into force on 5th April 2011.

(3) In this Order "the Act" means the Equality Act 2010.

Amendment of Schedule 19 to the Act

2.—(1) Schedule 19 to the Act is amended in accordance with paragraphs (2) and (3).

(2) Schedule 1 to this Order (which amends Part 1 of Schedule 19) has effect.

(**1**) 2010 c. 15.

(3) After Part 3 (public authorities: relevant Scottish authorities), insert Part 4 set out in Schedule 2 to this Order.

Consequential amendments

3.—(1) The Act is amended in accordance with paragraphs (2) and (3).

(2) In Schedule 26 (amendments) after paragraph 106 of Part 2(**2**), insert—

"**Housing (Scotland) Act 2006**

106A. In section 194(1) of the Housing (Scotland) Act 2006(**3**) (interpretation), in the definition of "disabled person", for "Disability Discrimination Act 1995 (c. 50)(**4**)" substitute "Equality Act 2010".".

(3) In Schedule 27 (repeals and revocations)—

(a) before Part 2, insert Part 1A set out in Schedule 3 to this Order;

(b) after Part 2, insert Part 3 set out in Schedule 4 to this Order.

4. In consequence of the repeal of sections 19B, 19D and 19E of the Race Relations Act 1976(**5**), in the Nationality, Immigration and Asylum Act 2002(**6**)—

(a) omit section 6(1) to (4), and

(b) in section 84(1)(b), omit "section 19B of the Race Relations Act 1976 (c. 74) or".

Consequential amendment coming into force on 5th April 2011

5. In paragraph 6 of Schedule 5 to the School Standards and Framework Act 1998(**7**) (adjudicators: procedure), for paragraph (a) substitute—

"(a) section 149 of the Equality Act 2010,".

Supplementary amendments

6.—(1) The Act is amended in accordance with paragraphs (2) and (3).

(2) In paragraph 20(1)(b) of Part 3 of Schedule 8 (work: limitations on the duty to make reasonable adjustments where there is lack of knowledge of disability, etc.), for "in any other case referred to in this Part of this Schedule" substitute "in any case referred to in Part 2 of this Schedule".

(3) In paragraph 14(4) of Part 4 of Schedule 17 (disabled pupils: enforcement in relation to exclusions), after "enabling an appeal to be made by" insert "the person or".

(**2**) Paragraph 106 of Part 2 of Schedule 26 to the Act was inserted by paragraph 6 of Schedule 1 to S.I. 2010/2279.
(**3**) 2006 asp 1.
(**4**) The Disability Discrimination Act 1995 was repealed by Part 1 of Schedule 27 to the Act, as amended by Schedule 2 to S.I. 2010/2279. The repeal of the Disability Discrimination Act 1995 came into force by virtue of S.I. 2010/2317 (C. 112) except in respect of sections 49A to 49D.
(**5**) 1976 c. 74; sections 19B, 19D and 19E were inserted by section 1 of the Race Relations (Amendment) Act 2000 (c. 34) which was partially repealed by Schedule 27 to the Act, as amended by Schedule 2 to S.I. 2010/2279.
(**6**) 2002 c. 41; section 6(1) to (4) amended sections 19D and 19E of the Race Relations Act 1976, which was repealed by Part 1 of Schedule 27 to the Act, as amended by Schedule 2 to S.I. 2010/2279. The repeal of the Race Relations Act 1976 came into force by virtue of S.I. 2010/2317 (C. 112) except in respect of sections 71 to 71B and Schedule 1A. Section 84(1)(b) of the Nationality, Immigration and Asylum Act 2002 was amended by S.R. (NI) 2003 No. 341.
(**7**) 1998 c. 31; paragraph 6 of Schedule 5 was amended by paragraph 45 of Schedule 26 to the Act, as inserted by paragraph 5 of Schedule 1 to S.I. 2010/2279.

7. In section 27(1) of the Equality Act 2006(**8**) (disputes in relation to which the Commission for Equality and Human Rights may make arrangements for the provision of conciliation services), after "section 114" insert "or 116".

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(**8**) 2006 c.3; section 27(1) was substituted by paragraph 16 of Schedule 26 to the Act; paragraph 16 was renumbered as paragraph 71 of Schedule 26 by paragraph 1(c) of Schedule 1 to S.I. 2010/2279.

SCHEDULE 1 Article 2(2)

AMENDMENTS TO PART 1 OF SCHEDULE 19 TO THE ACT

1. Part 1 of Schedule 19 to the Act (public authorities: general) is amended as follows.

2. After the entry under the heading *"Armed forces"*, insert—

"**Broadcasting**

The British Broadcasting Corporation ("BBC"), except in respect of functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003(**9**)); and the reference to the BBC includes a reference to a body corporate which—

(a) is a wholly owned subsidiary of the BBC,

(b) is not operated with a view to generating a profit, and

(c) undertakes activities primarily in order to promote the BBC's public purposes.

The Channel Four Television Corporation, except in respect of—

(a) functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003), and

(b) the function of carrying on the activities referred to in section 199 of that Act(**10**).

The Welsh Authority (as defined by section 56(1) of the Broadcasting Act 1990(**11**)), except in respect of functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003).

Civil liberties

The Commission for Equality and Human Rights.

The Information Commissioner.

Court services and legal services

The Children and Family Court Advisory and Support Service.

The Judicial Appointments Commission.

The Legal Services Board.

The Legal Services Commission.

Criminal justice

Her Majesty's Chief Inspector of Constabulary.

Her Majesty's Chief Inspector of the Crown Prosecution Service.

Her Majesty's Chief Inspector of Prisons.

Her Majesty's Chief Inspector of Probation for England and Wales.

The Parole Board for England and Wales.

A probation trust established by an order made under section 5(1) of the Offender Management Act 2007(**12**).

(**9**) 2003 c. 21.
(**10**) Section 199 was amended by the Digital Economy Act 2010 (c. 24), section 22(2).
(**11**) 1990 c. 42; section 56(1) was amended by the Communications Act 2003, Schedule 19(1).
(**12**) 2007 c. 21.

The Youth Justice Board for England and Wales.

Environment, housing and development

The Homes and Communities Agency.

Natural England.

The Office for Tenants and Social Landlords.

The Olympic Delivery Authority."

3. For the heading "*National Health Service"* and the entries under it, substitute—

"**Health, social care and social security**

The Care Quality Commission.

The Child Maintenance and Enforcement Commission.

The Health Service Commissioner for England, in respect of—

(a) the Commissioner's functions set out in paragraph 11 of Schedule 1 to the Health Service Commissioners Act 1993(**13**); and

(b) the Commissioner's public procurement functions (as defined in section 155(3) of this Act).

The Independent Regulator of NHS Foundation Trusts.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006(**14**).

An NHS trust established under section 25 of that Act.

A Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section.

A Special Health Authority established under section 28 of that Act other than NHS Blood and Transplant and the NHS Business Services Authority.

A Strategic Health Authority established under section 13 of that Act, or continued in existence by virtue of that section."

4. After the entries under the heading *"Health, social care and social security"*, insert—

"**Industry, business, finance etc.**

The Advisory, Conciliation and Arbitration Service.

The Bank of England, in respect of its public functions.

The Civil Aviation Authority.

The Competition Commission.

The Financial Services Authority.

The National Audit Office.

The Office of Communications."

(**13**) 1993 c. 46; paragraph 11 of Schedule 1 was amended by the Public Services Ombudsman (Wales) Act 2005 (c. 10), Schedule 6, paragraphs 27 and 53(1) and (8); the Government of Wales Act 1998 (c. 38), Schedule 10, paragraph 16(7) and Schedule 18, Part 1; and S.I. 2007/1889. It was repealed in relation to Scotland by the Scottish Public Services Ombudsman Act 2002 (2002 asp 11), paragraph 14 of schedule 6.

(**14**) 2006 c. 41.