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SCHEDULES

SCHEDULE 3

Section 40

AMENDMENTS CONSEQUENTIAL ON PART 1

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records) omit the reference to the Disability Rights Commission.

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, &c. subject to investigation) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.

Superannuation Act 1972 (c. 11)

- 3 In Schedule 1 to the Superannuation Act 1972 (employments) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.

House of Commons Disqualification Act 1975 (c. 24)

- 4 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In Part II of Schedule 1 (bodies of which all members are disqualified) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.
- (3) In Part III of Schedule 1 (disqualifying offices) omit the references to—
- (a) Additional Commissioner of the Commission for Racial Equality, and
 - (b) Additional Commissioner of the Equal Opportunities Commission.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.

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- (2) In Part II of Schedule 1 (bodies of which all members are disqualified) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.
- (3) In Part III of Schedule 1 (disqualifying offices) omit the references to—
- (a) Additional Commissioner of the Commission for Racial Equality, and
 - (b) Additional Commissioner of the Equal Opportunities Commission.

Sex Discrimination Act 1975 (c. 65)

- 6 The Sex Discrimination Act 1975 shall be amended as follows.
- 7 In section 37(3) (discriminatory practices) for “sections 67 to 71 of this Act” substitute “ sections 20 to 24 of the Equality Act 2006 ”.
- 8 At the end of section 38 (discriminatory advertisements) add—
- “(6) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
 - (b) in accordance with section 25 of the Equality Act 2006.”
- 9 At the end of section 39 (instructions to discriminate (which becomes subsection (1))) add—
- “(2) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
 - (b) in accordance with section 25 of the Equality Act 2006.”
- 10 At the end of section 40 (pressure to discriminate) add—
- “(3) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
 - (b) in accordance with section 25 of the Equality Act 2006.”
- 11 Part VI (the Equal Opportunities Commission) shall cease to have effect.
- 12 Sections 67 to 73 (enforcement) shall cease to have effect.
- 13 Section 75 (assistance by Equal Opportunities Commission) shall cease to have effect.
- 14 (1) Section 76 (timing of proceedings) shall be amended as follows.
- (2) In subsection (2A) for “two months.” substitute “ three months. ”
- (3) After subsection (2B) insert—
- “(2C) The period allowed by subsection (2)(a) or (b) shall be extended by three months in the case of a dispute which is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 (unless the period is extended under subsection (2A)).”

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- (4) Subsections (3) and (4) shall cease to have effect.
- (5) In subsection (5) for “complaint, claim or application” substitute “complaint or claim”.
- 15 Section 76D (public authorities: enforcement) (inserted by section 85 of this Act) shall cease to have effect.
- 16 Section 76E (codes of practice) (inserted by section 86 of this Act) shall cease to have effect.
- 17 In section 81 (orders)—
- (a) in subsection (1) omit the words “and 59(2)”, and
 - (b) in subsection (2) omit the words “, 59(2)”.
- 18 In section 82 (interpretation)—
- (a) in subsection (1)—
 - (i) in the definition of “the Commission”, for “Equal Opportunities Commission” substitute “ Commission for Equality and Human Rights ”, and
 - (ii) omit the definitions of “formal investigation” and “non-discrimination notice”, and
 - (b) in subsection (4)—
 - (i) after “this Act” omit the words “a non-discrimination notice or”,
 - (ii) after “the appeal against the” omit the words “notice or”, and
 - (iii) omit the words from “and for this purpose” to the end.
- 19 In Schedule 2 (education admissions: transitional exemption)—
- (a) in paragraph 5(1) for “Equal Opportunities Commission set up under Part VI” substitute “ the Commission ”, and
 - (b) in paragraph 6 for “Equal Opportunities Commission” substitute “ the Commission ”.
- 20 Schedule 3 (Equal Opportunities Commission) shall cease to have effect.

Race Relations Act 1976 (c. 74)

- 21 The Race Relations Act 1976 shall be amended as follows.
- 22 In section 28(3) (discriminatory practices), for “sections 58 to 62” substitute “ sections 20 to 24 of the Equality Act 2006 ”.
- 23 At the end of section 29 (discriminatory advertisements) add—
- “(6) Proceedings in respect of a contravention of subsection (1) may be brought only—
 - (a) by the Commission, and
 - (b) in accordance with section 25 of the Equality Act 2006.”
- 24 At the end of section 30 (instructions to discriminate, &c. (which becomes subsection (1))) add—
- “(2) Proceedings in respect of a contravention of subsection (1) may be brought only—
 - (a) by the Commission, and

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- (b) in accordance with section 25 of the Equality Act 2006.”
- 25 At the end of section 31 (pressure to discriminate, &c.) add—
- “(3) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission, and
- (b) in accordance with section 25 of the Equality Act 2006.”
- 26 Part VII (Commission for Racial Equality) shall cease to have effect.
- 27 Sections 58 to 64 (enforcement) shall cease to have effect.
- 28 Section 66 (assistance by Commission for Racial Equality) shall cease to have effect.
- 29 (1) Section 68 (timing of proceedings) shall be amended as follows.
- (2) Subsection (3) shall cease to have effect.
- (3) In subsection (3A)—
- (a) omit paragraph (c), and
- (b) for “two months.” substitute “ three months. ”
- (4) After subsection (3B) insert—
- “(3C) The period allowed by subsection (2)(a) shall be extended by three months in the case of a dispute which is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 (unless it is extended under subsection (3A)).”
- (5) Subsections (4) and (5) shall cease to have effect.
- (6) In subsection (6) for “complaint, claim or application” substitute “ complaint or claim ”.
- 30 Section 71C (codes of practice) shall cease to have effect.
- 31 Sections 71D and 71E (general public authority duty: compliance notice) shall cease to have effect.
- 32 In section 74 (orders and regulations)—
- (a) in subsection (1) omit the words “(except section 50(2)(a))”,
- (b) in subsection (2) for “(except sections 50(2)(a) and 73(1))” substitute “ (except section 73(1)) ”, and
- (c) subsection (5) shall cease to have effect.
- 33 In section 78 (interpretation)—
- (a) in subsection (1)—
- (i) in the definition of “the Commission” for “Commission for Racial Equality” substitute “ Commission for Equality and Human Rights ”, and
- (ii) omit the definitions of “non-discrimination notice” and “formal investigation”, and
- (b) in subsection (4)—
- (i) after “this Act” omit the words “a non-discrimination notice or”,
- (ii) after “the appeal against the” omit the words “notice or”, and

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(iii) omit the words from “and for this purpose” to the end of the subsection.

34 Schedule 1 (Commission for Racial Equality) shall cease to have effect.

35 In Part II of Schedule 1A (general statutory duty)—

(a) omit the references to—

(i) the Commission for Racial Equality,

(ii) the Disability Rights Commission, and

(iii) the Equal Opportunities Commission, and

(b) at the appropriate place insert “ Commission for Equality and Human Rights ”.

Commencement Information

- II** Sch. 3 para. 35 wholly in force at 1.10.2007; Sch. 3 para. 35 not in force at Royal Assent, see s. 93; Sch. 3 para. 35(b) in force at 18.4.2006 by S.I. 2006/1082, art. 2(m); Sch. 3 para. 35(a) in force at 1.10.2007 by S.I. 2007/2603, art. 2(d) (with art. 3)

Estate Agents Act 1979 (c. 38)

36 The Estate Agents Act 1979 shall be amended as follows.

37 In section 9(6) (provision of information to Office of Fair Trading)—

(a) for paragraph (a) substitute—

“(a) the Commission for Equality and Human Rights, and”, and

(b) paragraph (c) (and the word “and” immediately before it) shall cease to have effect.

38 (1) Schedule 1 shall be amended as follows.

(2) For paragraph 2(b) to (d) substitute—

“(b) where he has been given an unlawful act notice under section 21 of the Equality Act 2006 and no appeal under that section is pending or can be brought;

(c) where he is the subject of an injunction, interdict or order under section 24 (unlawful acts) or 25 (unlawful advertising, pressure, &c.) of the Equality Act 2006;

(d) where—

(i) a county court has determined in accordance with section 25 of the Equality Act 2006 that he committed an act which is unlawful under section 38, 39 or 40 of the Sex Discrimination Act 1975 or section 29, 30 or 31 of the Race Relations Act 1976 (unlawful advertising, pressure, &c.), and

(ii) no appeal under section 25 of the Equality Act 2006 is pending or can be brought (disregarding an appeal out of time);”.

(3) Paragraph 2(f) to (h) shall cease to have effect.

(4) In the words following paragraph 2(h) after “injunction” insert “ , interdict ”.

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- (5) In paragraph 4(1) and (2) omit—
- (a) the words “and notices”, and
 - (b) the words “(1) and”.

Legal Aid (Scotland) Act 1986 (c. 47)

- 39 (1) The Legal Aid (Scotland) Act 1986 shall be amended as follows.
- (2) In section 4(2) (sums which may be paid out of the Scottish Legal Aid Fund), after paragraph (ab) insert—
- “(ac) any sums payable by the Board under section 17(2D) of this Act;”.
- (3) In section 17 (contributions and payments out of property recovered), after subsection (2B) insert—
- “(2C) Subsection (2D) below applies where, after applying sums paid to the Board under subsection (2A) above in respect of the expenses of any party in any proceedings—
- (a) there is a surplus in the Fund on the account of the party; and
 - (b) the party received, in respect of the same proceedings, assistance from the Commission for Equality and Human Rights under section 28 of the Equality Act 2006 (power of the Commission to provide legal assistance).
- (2D) The Board shall apply the surplus to pay to the Commission any sums due to it under section 29(2) of that Act (Commission's entitlement to recover expenses incurred in providing assistance) in respect of the assistance provided by it to the party.”

Employment Act 1989 (c. 38)

- 40 In section 28(2) of the Employment Act 1989 (orders) for “Equal Opportunities Commission” substitute “ Commission for Equality and Human Rights ”.

Disability Discrimination Act 1995 (c. 50)

- 41 The Disability Discrimination Act 1995 shall be amended as follows.
- 42 At the end of section 16B (discriminatory advertisements) add—
- “(5) Proceedings in respect of a contravention of subsection (1) may be brought only—
- (a) by the Commission for Equality and Human Rights, and
 - (b) in accordance with section 25 of the Equality Act 2006.”
- 43 At the end of section 16C (instructions and pressure to discriminate) add—
- “(4) Proceedings in respect of a contravention of this section may be brought only—
- (a) by the Commission for Equality and Human Rights, and
 - (b) in accordance with section 25 of the Equality Act 2006.”
- 44 Section 17B (proceedings by Disability Rights Commission) shall cease to have effect.

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- 45 Section 28 (conciliation services) shall cease to have effect.
- 46 In sections 28C(4) and 28T(2) (non-discrimination in education) for “section 53A.” substitute “ section 14 of the Equality Act 2006. ”
- 47 Section 31B (conciliation services) shall cease to have effect.
- 48 In section 49D(5) for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”.
- 49 Sections 49E and 49F (public authorities: enforcement) shall cease to have effect.
- 50 Section 49H (let property: conciliation of disputes) shall cease to have effect.
- 51 Section 49I (conciliation of disputes: rented housing in Scotland) shall cease to have effect.
- 52 Section 53A (codes of practice) shall cease to have effect.
- 53 In section 67(5)(b) (regulations and orders) omit the words “53A(6)(a)”.
- 54 In section 68(1) (interpretation), in the definition of “regulations” omit the words “to 49F”.
- 55 In section 70(5A) for “7B, 49G, 49H and 53A(1D) and (1E)” substitute “ 7B and 49G ”.
- 56 (1) For paragraph 6(2) of Schedule 3 (enforcement) substitute—
- “(2) Where, in relation to proceedings or prospective proceedings under section 25, the dispute concerned is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 before the end of the period of six months mentioned in sub-paragraph (1), the period allowed by that sub-paragraph shall be extended by three months.”
- (2) In each of paragraphs 10(2) and 13(2) of Schedule 3 (enforcement) —
- (a) for “section 28” or “section 31B” substitute “ section 27 of the Equality Act 2006 ”, and
- (b) for “two months.” substitute “ three months. ”

Employment Tribunals Act 1996 (c. 17)

- 57 After section 21(1)(gb) of the Employment Tribunals Act 1996 (jurisdiction of Employment Appeal Tribunal) insert—
- “(gc) the Equality Act 2006.”.

Asylum and Immigration Act 1996 (c. 49)

- 58 In section 8A(4)(a) of the Asylum and Immigration Act 1996, for “Commission for Racial Equality;” substitute “ Commission for Equality and Human Rights; ”.

Disability Rights Commission Act 1999 (c. 17)

- 59 The Disability Rights Commission Act 1999 shall cease to have effect.

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Freedom of Information Act 2000 (c. 36)

- 60 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public bodies) omit the references to—
- (a) the Commission for Racial Equality,
 - (b) the Disability Rights Commission, and
 - (c) the Equal Opportunities Commission.

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 61 In Schedule 4 to the Anti-terrorism, Crime and Security Act 2001 (disclosure)—
- (a) paragraphs 13, 14 and 46 shall cease to have effect, and
 - (b) after paragraph 53A insert—

“Equality Act 2006

53B Section 6 of the Equality Act 2006.”

Housing (Scotland) Act 2001 (asp 10)

- 62 In paragraph 8(e) of Schedule 5 to the Housing (Scotland) Act 2001, for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”.

Housing (Scotland) Act 2006 (asp 01)

- 63 In each of the following provisions of the Housing (Scotland) Act 2006, for “Disability Rights Commission” substitute “ Commission for Equality and Human Rights ”
- (a) section 53(1)(g),
 - (b) section 65(4), and
 - (c) section 67(2)(b)(i).

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