

## SCHEDULE 1

### Amendments to Schedule 26 to the Act

2. Insert before paragraph 9 of Schedule 26 to the Act—

#### “PART 1

#### Acts of Parliament

##### ***Disabled Persons (Employment) Act 1944***

1. In section 15 of the Disabled Persons (Employment) Act 1944(1) (provision of employment for seriously disabled persons), in subsection (5A), for “the Disability Discrimination Act 1995” substitute “the Equality Act 2010”.

##### ***Teaching Council (Scotland) Act 1965***

2. In section 1(3) of the Teaching Council (Scotland) Act 1965(2), for “Disability Discrimination Act 1995” substitute “Equality Act 2010”.

##### ***Employment and Training Act 1973***

3. In section 12(1) of the Employment and Training Act 1973(3) (duty of Secretary of State to give preference to ex-service men and women when exercising power to select disabled persons for employment, training, etc.), for “has the same meaning as in the Disability Discrimination Act 1995” substitute “has the same meaning as in the Equality Act 2010”.

##### ***Estate Agents Act 1979***

4. The Estate Agents Act 1979(4) is amended as follows.
5. In section 5(3)(5) (supplementary provisions about prohibition and warning orders)—
  - (a) for “section 62 of the Sex Discrimination Act 1975, section 53 of the Race Relations Act 1976” substitute “section 113 of the Equality Act 2010 (proceedings)”; and
  - (b) omit “those Acts and”.
- 6.—(1) Schedule 1 (provisions supplementary to section 3(1)) is amended as follows.
  - (2) For paragraph 2(6) substitute—

“2.—(1) A person commits discrimination for the purposes of section 3(1)(b) in the following cases only.

- (2) The first case is where—

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(1) 1944 c. 10; section 15 was amended by the Disability Discrimination Act 1995 (c. 50), Section 61(1) to (5).  
(2) 1965 c. 19; section 1(3) was inserted by the Teaching and Higher Education Act 1998 (c.30), section 16.  
(3) 1973 c. 50; section 12(1) was amended by the Employment Act 1988 (c. 19) Schedule 2, paragraph 2; the Employment Act 1989 (c. 38), Schedule 7, Part 1 and the Disability Discrimination Act 1995 (c. 50), Schedule 6, paragraph 1.  
(4) 1979 c.38.  
(5) Section 5(3) was amended by the Enterprise Act 2002 (c. 40), Schedule 25, paragraph 9(1) and (4) and S.I. 1997/869, Schedule 2, paragraph 2(1).  
(6) Schedule 1, paragraph 2 was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 36 and 38 and Schedule 4.

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- (a) the person has been found to have contravened a relevant equality provision, and
  - (b) no appeal against the finding is pending or can be brought.
- (3) The second case is where—
- (a) the person has been given an unlawful act notice under section 21 of the Equality Act 2006,
  - (b) the notice specifies a relevant equality provision as the provision by virtue of which the act in question is unlawful, and
  - (c) no appeal against the giving of the notice is pending or can be brought.
- (4) The third case is where—
- (a) the person is the subject of an injunction, interdict or order under section 24 of the Equality Act 2006 (unlawful acts), and
  - (b) the unlawful act in question is a contravention of a relevant equality provision.
- (5) The relevant equality provisions are—
- (a) Parts 3 and 4 of the Equality Act 2010 (services and premises) so far as relating to discrimination and victimisation, and
  - (b) section 112 of that Act (aiding contraventions) in relation to either of those Parts of that Act so far as relating to discrimination and victimisation.”
- (3) In paragraph 3 for “discrimination” substitute “a contravention of a relevant equality provision”.
- (4) For paragraph 4(7) substitute—
- “4.** For the purposes of paragraphs 2 and 3 “discrimination” and “victimisation” have the same meaning as in the Equality Act 2010.”.

### ***Civic Government (Scotland) Act 1982***

7.—(1) Section 20 of the Civic Government (Scotland) Act 1982(8) (regulations relating to taxis and private hire cars and their drivers) is amended as follows.

(2) In subsection (2A)(9) for “section 1(2) of the Disability Discrimination Act 1995” substitute “section 6 of the Equality Act 2010”.

(3) In subsection (2AA)(10) for “section 1(2) of the Disability Discrimination Act 1995 (c.50)” substitute “section 6 of the Equality Act 2010”.

### ***Housing (Scotland) Act 1987***

8. In section 338(1) of the Housing (Scotland) Act 1987(11) (interpretation) in the definition of “disabled person” for “Disability Discrimination Act 1995 (c.50),” substitute “Equality Act 2010,”.

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(7) Schedule 1, paragraph 4 was amended by the Equality Act 2006 (c. 3), Schedule 3, paragraphs 36 and 38 and Schedule 4.

(8) 1982 c. 45.

(9) Section 20(2A) was inserted by the Disability Discrimination Act 1995 (c. 50), section 39(3).

(10) Section 20(2AA) was inserted by the Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 (c. 37), section 2.

(11) 1987 c. 26; the definition of “disabled person” in section 338(1) was amended by the Housing (Scotland) Act 2006 (2006 asp 1), Schedule 6.

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