

**EXPLANATORY MEMORANDUM TO**  
**THE FORMER EQUALITY COMMISSIONS' CODES OF PRACTICE**  
**(EMPLOYMENT, EQUAL PAY, AND RIGHTS OF ACCESS FOR DISABLED**  
**PERSONS) (REVOCATION) ORDER 2011**

**2011 No. 776**

**1.** This explanatory memorandum has been prepared by the Government Equalities Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This instrument revokes with effect from 6th April 2011 5 codes of practice (“the old codes”) issued by the dissolved Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission. The codes gave practical guidance on matters relating to the operation of provisions in previous discrimination legislation<sup>1</sup>.

2.2 The codes are no longer needed because they have been superseded by 3 new codes of practice (“the new codes”) issued by the Commission for Equality and Human Rights (“the CEHR”), which amalgamated the dissolved commissions, on 26th January 2011. The new codes refer to provisions in the Equality Act 2010 (“the Act”), which replaces and consolidates previous discrimination legislation.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative context**

4.1 This instrument is being made because otherwise the old codes would continue to have effect. It goes with an Order bringing the new codes into force with effect from 6th April 2011. The new codes support the implementation of the Act, most of which was brought into force on 1st October 2010. They apply only to the provisions of the Act which have been brought into effect.

4.2 The new codes have the same legal status as the old codes had. A court or tribunal must take them into account in any case in which they appear to the court or tribunal to be relevant.

**5. Territorial extent and application**

5.1 This instrument applies to Great Britain.

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<sup>1</sup> The Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 as amended.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The new codes explain provisions in the Act roughly corresponding to provisions in previous discrimination legislation on which the old codes gave practical guidance. They update that guidance, taking account of developments in case law since the old codes were issued, and also explain new provisions in the Act. The new codes will assist courts and tribunals when interpreting the Act and help lawyers, other advisers, trade union representatives, human resources departments and others who need to apply the law and understand its technical detail.

## **8. Consultation outcome**

8.1 No specific consultation was undertaken on this instrument. However, the CEHR consulted on earlier drafts of the new codes from 12th January to 2nd April 2010 and revised these in light of consultation responses and the Act in its final form. The Secretary of State approved the new codes in the form of the drafts submitted to her by the CEHR and laid copies before Parliament on 12th October 2010.

## **9. Guidance**

9.1 To support implementation of the Act, the Government Equalities Office has produced a series of summary guides and “quick start” guides to the key changes in the law in partnership with the Advisory, Conciliation and Arbitration Service, the British Chambers of Commerce, Citizens Advice and the Equality and Diversity Forum. These guides are available at [http://www.equalities.gov.uk/equality\\_act\\_2010/equality\\_act\\_2010\\_what\\_do\\_i\\_n.aspx](http://www.equalities.gov.uk/equality_act_2010/equality_act_2010_what_do_i_n.aspx). The CEHR has also published a range of non-statutory guidance to help explain the Act. This is available at <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/>.

## **10. Impact**

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 No impact on the public sector is foreseen.

10.3 An impact assessment for the Act has been published (the final version is available at <http://www.equalities.gov.uk/pdf/Equality%20Act%20Impact.pdf>). A separate impact assessment has not been prepared for this instrument because no additional impact is foreseen.

## **11. Regulating small business**

11.1 The legislation applies to small business. The impact assessment for the Act analyses the costs and benefits of measures in the Act for small businesses, including familiarisation costs and benefits arising from simplification of the law.

## **12. Monitoring & review**

12.1 The Government Equalities Office is developing an evaluation framework for the Act as a whole, including establishing a “before/after” baseline against which to measure change. This project will determine how relevant data are to be collected. It is intended to complete a full evaluation 4-5 years following enactment.

## **13. Contact**

Wally Ford at the Government Equalities Office Tel: 0303 444 3023 or email: [Wally.Ford@geo.gsi.gov.uk](mailto:Wally.Ford@geo.gsi.gov.uk) can answer any queries regarding the instrument.