

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 ^{M1} 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 ”.

Commencement Information

I1 Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M1 [2004 c.7.](#)

Amendment of the Civil Partnership Act 2004

3.—(1) The Civil Partnership Act 2004 ^{M2} 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 ”.

Commencement Information

I2 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M2 [2004 c.33.](#)

Amendment of the Equality Act 2006

4.—(1) The Equality Act 2006 ^{M3} 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 ”.

Commencement Information

I3 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M3 [2006 c.3.](#)

Amendment of the Equality Act 2010

5.—(1) The Equality Act 2010 ^{M4} is amended as follows.

(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);
- [^{F1}(b) for paragraph (b), substitute—
 - ““ADR entity” means a person whose name appears on a list maintained in accordance with regulation 10 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 ”;
- [^{F2}(ca) after paragraph (d), insert—
 - “(da) “consumer” means an individual acting for purposes which are wholly or mainly outside that individual’s trade, business, craft or profession;”;
- (d) for paragraph (f), substitute—
 - ““relevant dispute ” means a dispute that—
 - (a) concerns obligations under a [^{F3}sales contract or a service contract] , 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.”.
- [^{F4}(e) after paragraph (f), insert—
 - “(g) “sales contract” means a contract under which a trader transfers, or agrees to transfer, the ownership of goods to a consumer and the consumer pays, or agrees to pay, the price, including any contract that has both goods and services as its object;

- (h) “service contract” means a contract, other than a sales contract, under which a trader supplies, or agrees to supply, a service to a consumer and the consumer pays, or agrees to pay, the price;
 - (i) “trader” means a person acting for purposes relating to that person’s trade, business, craft or profession, whether acting personally or through another person acting in the trader’s name or on the trader’s behalf.”.]
- (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).

- F1** Reg. 5(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(a)** (with reg. 7)
- F2** Reg. 5(2)(ca) inserted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(b)** (with reg. 7)
- F3** Words in reg. 5(2)(d) substituted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(c)** (with reg. 7)
- F4** Reg. 5(2)(e) inserted (31.12.2020 immediately before IP completion day) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **6(2)(d)** (with reg. 7)

Commencement Information

- I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M4** [2010 c.15](#).

Changes to legislation:

There are currently no known outstanding effects for the The Equality (Amendment and Revocation) (EU Exit) Regulations 2019, PART 2.