

PART X
SUPPLEMENTAL**[71 Specified authorities: general statutory duty**

[220]

(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need—

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity and good relations between persons of different racial groups.

(2) The Secretary of State may by order impose, on such persons falling within Schedule 1A as he considers appropriate, such duties as he considers appropriate for the purpose of ensuring the better performance by those persons of their duties under subsection (1).

(3) An order under subsection (2)—

- (a) may be made in relation to a particular person falling within Schedule 1A, any description of persons falling within that Schedule or every person falling within that Schedule;
- (b) may make different provision for different purposes.

(4) Before making an order under subsection (2), the Secretary of State shall consult the Commission.

(5) The Secretary of State may by order amend Schedule 1A; but no such order may extend the application of this section unless the Secretary of State considers that the extension relates to a person who exercises functions of a public nature.

(6) An order under subsection (2) or (5) may contain such incidental, supplementary or consequential provision as the Secretary of State considers appropriate (including provision amending or repealing provision made by or under this Act or any other enactment).

(7) This section is subject to section 71A and 71B and is without prejudice to the obligation of any person to comply with any other provision of this Act.]

NOTES**Amendments**

Substituted, along with ss 71A–71E, for s 71, by the Race Relations (Amendment) Act 2000, s 2(1).

Sub-s (1): Person See the note to s 1 ante.

Sub-s (2): Secretary of State See the note to s 15 ante.

Sub-s (2): May by order impose ... such duties as ... appropriate As to the application of this section to the carrying out of immigration and nationality functions and other limitations relating to functions, see s 71A post; as to orders relating to a Welsh public authority being made with the consent of the National Assembly for Wales, see s 71B post; as to the issuing of codes of practice relating to the exercise of duties, see s 71C post; as to the failure to comply with duties imposed, see s 71D post; as to the enforcement of duties imposed, see s 71E post.

Application to Crown This section binds the Crown; see s 75(2A), (2B) post.

Additional information See the Introductory Note(s) to this Act.

Orders under this section

Race Relations Act 1976 (General Statutory Duty) Order 2001, SI 2001/3457.

Race Relations Act 1976 (General Statutory Duty) Order 2003, SI 2003/3007.

Race Relations Act 1976 (Statutory Duties) Order 2001, SI 2001/3458, as amended by SI 2002/2469, SI 2003/3006, SI 2004/664.

Race Relations Act 1976 (Statutory Duties) Order 2003, SI 2003/3006.

Regulations which extend to Scotland only are outside the scope of this work.

As to orders under this Act generally, see s 74 post.

Further information may be found in the appropriate title of *Halsbury's Statutory Instruments*.

Definitions

“body”: s 78(1)

“the Commission”: s 78(1)

“enactment”: s 78(1)

“racial discrimination”: s 3(3)(b), 78(1)

“racial groups”: ss 3(1), (2), 78(1)

[71A General statutory duty: special cases

[221]

(1) In relation to the carrying out of immigration and nationality functions ..., section 71(1)(b) has effect with the omission of the words “equality of opportunity and”.

[(1A) In subsection (1) “immigration and nationality functions” means functions exercisable by virtue of—

- (a) the Immigration Acts (within the meaning of section 158 of the Nationality, Immigration and Asylum Act 2002) excluding sections 28A to 28K of the Immigration Act 1971 so far as they relate to offences under Part III of that Act;
- (b) the British Nationality Act 1981;
- (c) the British Nationality (Falkland Islands) Act 1983 (c 6);
- (d) the British Nationality (Hong Kong) Act 1990 (c 34);
- (e) the Hong Kong (War Wives and Widows) Act 1996 (c 41);
- (f) the British Nationality (Hong Kong) Act 1997 (c 20);
- (g) the Special Immigration Appeals Commission Act 1997 (c 68);
- (h) provision made under section 2(2) of the European Communities Act 1972 (c 68) which relates to the subject matter of an enactment within any of paragraphs (a) to (g); or
- (i) any provision of Community law which relates to the subject matter of an enactment within any of those paragraphs.]

(2) Where an entry in Schedule 1A is limited to a person in a particular capacity, section 71(1) does not apply to that person in any other capacity.

(3) Where an entry in Schedule 1A is limited to particular functions of a person, section 71(1) does not apply to that person in relation to any other functions.]

NOTES

Amendments

Substituted as noted to s 71 ante.

Sub-s (1): words omitted repealed by the Nationality, Immigration and Asylum Act 2002, ss 6(5)(a), 161, Sch 9.

Sub-s (1A): inserted by the Nationality, Immigration and Asylum Act 2002, s 6(5)(b).

Sub-s (2): **Person** See the note to s 1 ante.

Application to Crown This section binds the Crown; see s 75(2A), (2B) post.

Additional information See the Introductory Note(s) to this Act.

British Nationality Act 1981 See Vol 31, title Nationality and Immigration.

British Nationality (Falkland Islands) Act 1983 See Vol 31, title Nationality and Immigration.

British Nationality (Hong Kong) Act 1990 See Vol 31, title Nationality and Immigration.

British Nationality (Hong Kong) Act 1997 See Vol 31, title Nationality and Immigration.

European Communities Act 1972 See Vol 17, title European Community.

Hong Kong (War Wives and Widows) Act 1996 See Vol 31, title Nationality and Immigration.

Immigration Act 1971 See Vol 31, title Nationality and Immigration.

Nationality, Immigration and Asylum Act 2002 See Vol 31, title Nationality and Immigration.

Special Immigration Appeals Commission Act 1997 See Vol 31, title Nationality and Immigration.

Definitions

“enactment”: s 78(1)

[71B General statutory duty: Scotland and Wales

[222]

(1) For the purposes of the Scotland Act 1998, subsections (2) to (4) of section 71 (and sections 71(6) and 74 so far as they apply to the power conferred by subsection (2) of section 71) shall be taken to be pre-commencement enactments within the meaning of that Act.

(2) Before making an order under section 71(2) in relation to functions exercisable in relation to Wales by a person who is not a Welsh public authority, the Secretary of State shall consult the National Assembly for Wales.

(3) The Secretary of State shall not make an order under section 71(2) in relation to functions of a Welsh public authority except with the consent of the National Assembly for Wales.

(4) In this section “Welsh public authority” means any person whose functions are exercisable only in relation to Wales and includes the National Assembly for Wales.]

NOTES

Amendments

Substituted as noted to s 71 ante.

Sub-s (2): Wales For meaning, see the Interpretation Act 1978, s 5, Sch 1, Vol 41, title Statutes.

Sub-s (2): Person See the note to s 1 ante.

Sub-s (2): Secretary of State See note to s 15 ante.

Sub-s (2): National Assembly for Wales See the note to s 19C ante.

Application to Crown This section binds the Crown; see s 75(2A), (2B) post.

Additional information See the Introductory Note(s) to this Act.

Scotland Act 1998 For the meaning of “pre-commencement enactments” in that Act, see s 53(3) thereof, Vol 10, title Constitutional Law (Pt 6).

[71C General statutory duty: codes of practice

[223]

(1) The Commission may issue codes of practice containing such practical guidance as the Commission think fit in relation to the performance by persons of duties imposed on them by virtue of subsections (1) and (2) of section 71.

(2) When the Commission propose to issue a code of practice under this section, they—

- (a) shall prepare and publish a draft of the code;
- (b) shall consider any representations made to them about the draft; and
- (c) may modify the draft accordingly.

(3) In the course of preparing any draft code of practice under this section the Commission shall consult such organisations or bodies as appear to the Commission to be appropriate having regard to the content of the draft code.

(4) If the Commission determine to proceed with a draft code of practice, they shall transmit the draft to the Secretary of State who shall consult the Scottish Ministers and the National Assembly for Wales.

(5) After consulting the Scottish Ministers and the National Assembly for Wales, the Secretary of State shall—

- (a) if he approves of the draft code, lay it before both Houses of Parliament; and
- (b) if he does not approve of it, publish details of his reasons for withholding approval.

(6) If, within the period of forty days beginning with the day on which a copy of a draft code of practice is laid before each House of Parliament, or, if such copies are laid on different days, with the later of the two days, either House so resolves, no further proceedings shall be taken on the draft code of practice, but without prejudice to the laying before Parliament of a new draft.

(7) In reckoning the period of forty days referred to in subsection (6), no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(8) If no such resolution is passed as is referred to in subsection (6), the Commission shall issue the code in the form of the draft and the code shall come into effect on such day as the Secretary of State may, after consulting the Scottish Ministers and the National Assembly for Wales, by order appoint.

(9) Without prejudice to section 74(3), an order under subsection (8) may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code of practice thereby brought into operation.

(10) The Commission may revoke, or from time to time revise, the whole or any part of a code of practice issued under this section; and, where they revise the whole or any part of such a code, they shall issue the revised code, and subsections (2) to (9) shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.

(11) A failure on the part of any person to observe any provision of a code of practice shall not of itself render that person liable to any proceedings; but any code of practice issued under this section shall be admissible in evidence in any legal proceedings, and if any provision of such a code appears to the court or tribunal concerned to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(12) Without prejudice to subsection (1), a code of practice issued under this section may include such practical guidance as the Commission think fit as to what steps it is reasonably practicable for persons to take for the purpose of preventing their staff from doing in the course of their duties acts made unlawful by this Act.]

NOTES

Amendments

Substituted as noted to s 71 ante.

Sub-s (1): Persons See the note "Person" to s 1 ante.

Sub-s (4): Secretary of State See note to s 15 ante.

Sub-s (4): Scottish Ministers As to the Scottish Ministers, see the Scotland Act 1998, s 44 et seq, Vol 10, title Constitutional Law (Pt 6).

Sub-s (4): National Assembly for Wales See the note to s 19C ante.

Sub-s (5): Lay ... before ... Parliament See the corresponding note to s 8 ante.

Application to Crown This section binds the Crown; see s 75(2A), (2B) post.

Additional information See the Introductory Note(s) to this Act.

Orders under this section

Race Relations Act 1976 (General Statutory Duty: Code of Practice) Order 2002, SI 2002/1435.

Race Relations Act 1976 (General Statutory Duty: Code of Practice) (Scotland) Order 2002, SI 2002/3111.

As to orders under this Act generally, see s 74 post.

Further information may be found in the appropriate title of *Halsbury's Statutory Instruments*.

Definitions

“body”: s 78(1)

“the Commission”: s 78(1)

[71D General statutory duty: compliance notices

[224]

(1) If the Commission are satisfied that a person has failed to comply with, or is failing to comply with, any duty imposed by an order under section 71(2), the Commission may serve on that person a notice (“a compliance notice”).

(2) A compliance notice shall require the person concerned—

(a) to comply with the duty concerned; and

(b) to inform the Commission, within 28 days of the date on which the notice is served, of the steps that the person has taken, or is taking, to comply with the duty.

(3) A compliance notice may also require the person concerned to furnish the Commission with such other written information as may be reasonably required by the notice in order to verify that the duty has been complied with.

(4) The notice may specify—

(a) the time (no later than three months from the date on which the notice is served) at which any information is to be furnished to the Commission;

(b) the manner and form in which any such information is to be so furnished.

(5) A compliance notice shall not require a person to furnish information which the person could not be compelled to furnish in evidence in civil proceedings before the High Court or the Court of Session.]

NOTES

Amendments

Substituted as noted to s 71 ante.

Sub-s (1): Person See the note to s 1 ante.

Sub-s (2): Compliance notice For the enforcement of compliance notices, see s 71E post.

Sub-s (3): Written See the note to s 49 ante.

Sub-s (4): Months See the note to s 37 ante.

Sub-s (5): High Court See the note to s 50 ante.

Application to Crown This section binds the Crown; see s 75(2A), (2B) post.

Additional information See the Introductory Note(s) to this Act.

Definitions

“the Commission”: s 78(1)

“notice”: s 78(1)

[71E Enforcement of compliance notices**[225]**

(1) The Commission may apply to a designated county court or, in Scotland, a sheriff court for an order requiring a person falling within Schedule 1A to furnish any information required by a compliance notice if—

- (a) the person fails to furnish the information to the Commission in accordance with the notice; or
- (b) the Commission have reasonable cause to believe that the person does not intend to furnish the information.

(2) If the Commission consider that a person has not, within three months of the date on which a compliance notice was served on that person, complied with any requirement of the notice for that person to comply with a duty imposed by an order under section 71(2), the Commission may apply to a designated county court or, in Scotland, a sheriff court for an order requiring the person to comply with the requirement of the notice.

(3) If the court is satisfied that the application is well-founded, it may grant the order in the terms applied for or in more limited terms.

(4) The sanctions in section 71D and this section shall be the only sanctions for breach of any duty imposed by an order under section 71(2), but without prejudice to the enforcement under section 57 or otherwise of any other provision of this Act (where the breach is also a contravention of that provision).]

NOTES**Amendments**

Substituted as noted to s 71 ante.

Sub-s (1): Person See the note to s 1 ante.

Sub-s (1): Compliance notice As to the issuing of compliance notices, see s 71D ante.

Sub-s (2): Months See the note to s 37 ante.

Application to Crown This section binds the Crown; see s 75(2A), (2B) post.

Additional information See the Introductory Note(s) to this Act.

Definitions

“the Commission”: s 78(1)

“designated county court”: s 67(1)

“notice”: s 78(1)

72 Validity and revision of contracts**[226]**

(1) A term of a contract is void where—

- (a) its inclusion renders the making of the contract unlawful by virtue of this Act; or
- (b) it is included in furtherance of an act rendered unlawful by this Act; or
- (c) it provides for the doing of an act which would be rendered unlawful by this Act.

(2) Subsection (1) does not apply to a term the inclusion of which constitutes, or is in furtherance of, or provides for, unlawful discrimination against [or harassment of,] a party to the contract, but the term shall be unenforceable against that party.

(3) A term in a contract which purports to exclude or limit any provision of this Act is unenforceable by any person in whose favour the term would operate apart from this subsection.

 STATUTORY INSTRUMENTS

2001 No. 3458

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) Order 2001

Made - - - - - 23rd October 2001
Laid before Parliament - 24th October 2001
Coming into force - - - 3rd December 2001

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the National Assembly for Wales and with the consent of the Assembly(b), and after consultation with the Commission for Racial Equality(c), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2001 and shall come into force on 3rd December 2001.

(2) In this Order—

“the Race Relations Act” means the Race Relations Act 1976;

“staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (Discrimination in the Employment Field); and

references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Race equality schemes

2.—(1) A body or other person specified in Schedule 1 to this Order shall, before 31st May 2002, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and

(b) that person’s arrangements for—

(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

(ii) monitoring its policies for any adverse impact on the promotion of race equality;

(a) 1976 c. 74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c. 34).

(b) See section 71B(2) and (3) of the Race Relations Act 1976.

(c) See section 71(4) of the 1976 Act.

- (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31st May 2002, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Educational bodies

3.—(1) A body specified in Part I or II of Schedule 2 to this Order shall, before 31st May 2002,

- (a) prepare a written statement of its policy for promoting race equality (referred to in this article as its “race equality policy”), and
- (b) have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (3) or (4), as the case may be.

(2) Such a body shall,

- (a) maintain a copy of the statement, and
- (b) fulfil those duties in accordance with such arrangements.

(3) It shall be the duty of a body specified in Part I of Schedule 2 to this Order to—

- (a) assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups including, in particular, the impact on attainment levels of such pupils; and
- (b) monitor, by reference to their impact on such pupils, staff and parents, the operation of such policies including, in particular, their impact on the attainment levels of such pupils.

(4) It shall be the duty of a body specified in Part II of Schedule 2 to this Order to—

- (a) assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;
- (b) monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff; and
- (c) include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring under sub-paragraphs (a) and (b).

(5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.

4.—(1) A body specified in Part III, IV or V of Schedule 2 to this Order shall, before 31st May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2), (3) or (4), as the case may be, and shall fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of a body specified in Part III of Schedule 2 to this Order to monitor, by reference to the racial groups to which they belong,

- (a) the numbers at all maintained schools in its area of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) in the case of all maintained schools in its area which have 150 or more full-time staff, the numbers of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with such schools.

- (3) It shall be the duty of a body specified in Part IV of Schedule 2 to this Order to—
- (a) monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all maintained schools in respect of which it exercises its functions; and
 - (b) take such steps as are reasonably practicable to use, for that purpose, data provided by Local Education Authorities.
- (4) It shall be the duty of a body specified in Part V of Schedule 2 to this Order to monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all educational establishments in respect of which it exercises its functions.
- (5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.
- (6) In this article references to “maintained schools” are references to such schools within the meaning given by section 20(7) of the School Standards and Framework Act 1998(a).

Monitoring by employers

- 5.—(1) A person to which this article applies shall,
- (a) before 31st May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
 - (b) fulfil those duties in accordance with such arrangements.
- (2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,
- (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
 - (b) where that person has 150 or more full-time staff, the numbers of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.
- (3) Such a person shall publish annually the results of its monitoring under paragraph (2).
- (4) Subject to paragraph (5), this article applies to a body or other person specified in Schedule 1A to the Race Relations Act(b).
- (5) This article does not apply to—
- (a) a body specified in Part I, II or III of Schedule 2;
 - (b) a person specified in Schedule 3;
 - (c) a Scottish public authority with mixed functions or no reserved functions, as referred to in section L.2 of Part II of Schedule 5 to the Scotland Act 1998(c); or
 - (d) a cross-border public authority in relation to the exercise of its Scottish functions within the meaning given by that section.
- (6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

Home Office
23rd October 2001

Angela Eagle
Parliamentary Under Secretary of State

(a) 1998 c. 31.

(b) Schedule 1A is amended by the Race Relations Act 1976 (General Statutory Duty) Order 2001 (S.I. 2001/3457).

(c) 1998 c. 46.

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES

The Higher Education Funding Council for England.

A body corporate established pursuant to an order under section 67 of the Local Government Act 1985 (transfer of functions to successors of residuary bodies, etc).

A fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947.

A Health Authority established under section 8 of the National Health Service Act 1977.

A housing action trust established under Part III of the Housing Act 1988.

A joint authority established under Part IV of the Local Government Act 1985 (fire services, civil defence and transport).

A joint authority established under section 21 of the Local Government Act 1992.

In England, a county council, a London borough council or a district council.

In Wales, a county council or a county borough council.

A local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.

A magistrates' courts committee established under section 27 of the Justices of the Peace Act 1997.

A Minister of the Crown or government department.

A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990.

A Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968.

A police authority established under section 3 of the Police Act 1996.

A primary care trust established under section 16A of the National Health Service Act 1977.

A regional development agency established under the Regional Development Agencies Act 1998 (other than the London Development Agency).

A special health authority established under section 11 of the National Health Service Act 1977.

An Assembly subsidiary as defined by section 99(4) of the Government of Wales Act 1998.

Any of the naval, military or air forces of the Crown.

The Audit Commission for Local Authorities and the National Health Service in England and Wales.

The British Broadcasting Corporation, in respect of its public functions.

The British Transport Police.

The Broadcasting Standards Commission, in respect of its public functions.

The Channel Four Television Corporation, in respect of its public functions.

A chief constable of a police force maintained under section 2 of the Police Act 1996.

The Commissioner of Police of the Metropolis.

The Commissioner of Police for the City of London.

The Children and Family Court Advisory and Support Service.

The Commission for Health Improvement.

The Commission for Racial Equality.

The Disability Rights Commission.

English Partnerships.

The Equal Opportunities Commission.

The Health and Safety Commission.

The Health and Safety Executive.

The Higher Education Funding Council for Wales.

The Independent Television Commission, in respect of its public functions.

The Learning and Skills Council for England.

The Legal Services Commission.

The Local Government Commission for England.

The National Audit Office.

The National Council for Education and Training for Wales.

The Police Complaints Authority.

The Radio Authority, in respect of its public functions.

Sianel Pedwar Cymru (Welsh Fourth Channel Authority), in respect of its public functions.

The Strategic Rail Authority.

The Chief Constable for the Ministry of Defence Police appointed by the Secretary of State under section 1(3) of the Ministry of Defence Police Act 1987.

The Common Council of the City of London, in its capacity as a local authority or port health authority.

The Common Council of the City of London, in its capacity as a police authority.

The Council of the Isles of Scilly.

The Greater London Authority.

The Housing Corporation.

The London Development Agency.

The London Fire and Emergency Planning Authority.

The Metropolitan Police Authority established under section 5B of the Police Act 1996.

The National Assembly for Wales.

The Scottish Parliamentary Corporate Body.

The Service Authority for the National Crime Squad.

The Service Authority for the National Criminal Intelligence Service, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in his capacity as a local authority.

Transport for London.

The Welsh Development Agency.

SCHEDULE 2

Articles 3 and 4

EDUCATIONAL BODIES

PART I

The Governing body of an educational establishment maintained by a Local Education Authority.

The Governing body of a City Technology College, City College for Technology of the Arts or a City Academy.

PART II

The Governing body of an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992.

The Governing body of an institution within the higher education sector within the meaning of section 91(5) of the Act of 1992.

PART III

A Local Education Authority.

PART IV

The Department for Education and Skills.

PART V

The Learning and Skills Council for England.

The Higher Education Funding Council for England.

The Higher Education funding Council for Wales.

The National Council for Education and Training for Wales.

SCHEDULE 3

Article 5

BODIES AND OTHER PERSONS EXCEPTED BY ARTICLE 5(5)(b)

A parish meeting constituted under section 13 of the Local Government Act 1972.

A Parish Council in England.

A community council in Wales.

The Administration of Radioactive Substances Advisory Committee, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Committee on Hazardous Substances, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Committee on Pesticides, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Committee on Releases to the Environment, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Advisory Council on Public Records.

The Advisory Council on the Misuse of Drugs, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

An Agricultural Dwelling House Advisory Committee, established under the Rent (Agriculture) Act 1976.

The Agricultural Wages Board for England and Wales.

An Agricultural Wages Committee.

The Ancient Monuments Board for Wales.

The Animal Procedures Committee.

The Building Regulations Advisory Committee.

The Central Advisory Committee on War Pensions.

The Civil Justice Council.

The Civil Procedure Rule Committee.

The Commonwealth Scholarship Commission in the United Kingdom.

The Consumer Council for Postal Services.

The Council on Tribunals, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Crown Court Rule Committee.

The Disability Living Allowance Advisory Board.

The Disabled Persons Transport Advisory Committee, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Environment Agency Advisory Committee for Wales.

The Family Proceedings Rule Committee.

The Firearms Consultative Committee.

The Government Hospitality Advisory Committee for the Purchase of Wine.

The Hill Farming Advisory Sub-Committee for Wales.

The Historic Buildings Council for Wales.

The Honours Scrutiny Committee.

A Visiting Committee appointed under section 152 of the Immigration and Asylum Act 1999 for an immigration detention centre.

The Industrial Injuries Advisory Council.

The Inland Waterways Amenity Advisory Council, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Insolvency Rules Committee.

The Joint Committee on Vaccination and Immunisation.

The Land Registration Rule Committee.

The Law Commission.

The Legal Services Consultative Panel.

The Local Government Boundary Commission for Wales.

The Low Pay Commission.

The Magistrates' Courts Rule Committee.

The Overseas Service Pensions Scheme Advisory Board.

The Police Negotiating Board, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Quality Assurance Agency for Higher Education.

A Regional Flood Defence Committee established under section 14 of the Environment Act 1995.

The School Teachers' Review Body.

The Sentencing Advisory Panel.

The Social Security Advisory Committee.

The Standing Dental Advisory Committee.

The Standing Medical Advisory Committee.

The Standing Nursing and Midwifery Advisory Committee.

The Standing Pharmaceutical Advisory Committee.

The Theatres Trust, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Treasure Valuation Committee.

The Unrelated Live Transplant Regulatory Authority, otherwise than in respect of its Scottish functions within the meaning given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998.

The Wales New Deal Advisory Task Force.

A War Pensions Committee.

The Welsh Committee for Professional Development of Pharmacy.
The Welsh Dental Committee.
The Welsh Industrial Development Advisory Board.
The Welsh Medical Committee.
The Welsh Nursing and Midwifery Committee.
The Welsh Optometric Committee.
The Welsh Pharmaceutical Committee.
The Welsh Scientific Advisory Committee.
The Wilton Park Academic Council.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain duties on certain bodies and other persons who are subject to the general duty under section 71(1) of the Race Relations Act 1976 to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The duties are imposed for the purpose of ensuring the better performance of the general duty. The Order imposes on a body or other person specified in Schedule 1 to the Order a duty to publish, by 31st May 2002, a Race Equality Scheme, that is a Scheme showing how it intends to fulfil the general duty and its duties under this Order. The Order imposes on an educational body referred to in Part I or II of Schedule 2 duties to prepare, by 31st May 2002, a statement of its race equality policy, to have arrangements in place for fulfilling duties to assess and monitor the impact of its policies on different racial groups, and to fulfil those duties in accordance with such arrangements. The Order imposes on a body referred to in Parts III to V of that Schedule a duty to have in place arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of education and employment at educational establishments, and to fulfil those duties in accordance with such arrangements. The Order also imposes on bodies and other persons specified in Schedule 1A to the 1976 Act, other than those specified in article 5(5) to the Order, to have in place, by 31st May 2002, arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of employment by those bodies, and to fulfil those duties in accordance with such arrangements.

By virtue of Section 5 of, and Schedule 1 to, the Interpretation Act 1978, references to persons in paragraphs (2) and (3) of article 2, and in paragraphs (1), (2), (3) and (5) of article 5, include references to a body.

2001 No. 3458

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) Order 2001

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STATUTORY INSTRUMENTS

2003 No. 3006

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties)
Order 2003

Made - - - - - 24th November 2003
Laid before Parliament 26th November 2003
Coming into force - - 31st December 2003

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the National Assembly for Wales and with the consent of the Assembly(b), and after consultation with the Commission for Racial Equality(c), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2003 and shall come into force on 31st December 2003.

(2) In this Order—

- “the Assembly” means the National Assembly for Wales;
 - “the Race Relations Act” means the Race Relations Act 1976;
 - “staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (discrimination in the employment field);
 - “the 2001 Order” means the Race Relations Act 1976 (Statutory Duties) Order 2001(d), and
- references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Race equality schemes

2.—(1) A body or other person specified in Schedule 1 to this Order shall, before 31st May 2004, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

- (a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and
- (b) that person’s arrangements for—
 - (i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

(a) 1976 c. 74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c. 34). The only previous order made under subsections (2) and (3) is the Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458).

(b) See section 71B(2) and (3) of the Race Relations Act 1976.

(c) See section 71(4) of the 1976 Act.

(d) S.I. 2001/3458.

- (ii) monitoring its policies for any adverse impact on the promotion of race equality;
- (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31st May 2004, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Education

3.—(1) The Assembly shall, before 31st May 2004, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2) and shall fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of the Assembly to—

- (a) monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all maintained schools in respect of which it exercises its functions; and
- (b) take such steps as are reasonably practicable to use, for that purpose, data provided by Local Education Authorities.

(3) The Assembly shall take such steps as are reasonably practicable to publish annually the results of its monitoring under paragraph (2).

(4) In paragraph (2) the reference to “maintained schools” is a reference to such schools within the meaning given by section 20 (7) of the School Standards and Framework Act 1998(a).

Monitoring by employers

4.—(1) A person to which this article applies shall,

- (a) before 31st May 2004 have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,

- (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) where that person has 150 or more full-time staff, the numbers of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Part III of Schedule 1A to the Race Relations Act(b).

(5) This article does not apply to—

- (a) a person specified in Schedule 2 to this Order;
- (b) a Scottish public authority with mixed functions or no reserved functions, as referred to in section L.2 of Part II of Schedule 5 to the Scotland Act 1998(c); or

(a) 1998 c. 31.

(b) Schedule 1A is amended by the Race Relations Act 1976 (General Statutory Duty) Order 2001 (S.I. 2001/3457) and the Race Relations Act 1976 (General Statutory Duty) Order 2003 (S.I. 2003/3007).

(c) 1998 c. 46.

(c) a cross-border public authority in relation to the exercise of its Scottish functions within the meaning given by that section.

(6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

Amendment of 2001 Order

5. The 2001 Order is amended as follows—

- (a) in Schedule 1 (bodies and other persons required to publish Race Equality Schemes),
 - (i) in the entry relating to a Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968, after the words “transport area”, insert “in England and Wales”, and
 - (ii) omit the entries relating to the following—
 - The Broadcasting Standards Commission;
 - The Independent Television Commission;
 - The Local Government Commission for England;
 - The Police Complaints Authority; and
 - The Radio Authority; and
- (b) in Schedule 3 (bodies and other persons excepted by article 5(5)(b)),
 - (i) at the end of the entry relating to the Consumer Council for Postal Services insert “(“Postwatch””,
 - and
 - (ii) omit the entry relating to the Quality Assurance Agency for Higher Education.

Home Office
24th November 2003

Fiona Mactaggart
Parliamentary Under Secretary of State

SCHEDULE 1

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES BY 31ST MAY 2004

The Commission for Patient and Public Involvement in Health.
The Central Police Training and Development Authority (CENTREX).
The Electoral Commission.
The Director-General of the National Crime Squad.
The General Teaching Council for England.
The Security Industry Authority.
A Strategic Health Authority.

SCHEDULE 2

BODIES AND OTHER PERSONS EXCEPTED BY ARTICLE 4(5)(a)

The Council for the Regulation of Health Care Professionals.
The Criminal Injuries Compensation Authority.
The Financial Reporting Review Panel.
The Pensions Compensation Board.
A Port Police established under an order made under section 14 of the Harbour Act 1964.
A Port Police Force established under Part X of the Port of London Act 1968.
A Port Police Force established under section 79 of the Harbours, Docks and Piers Clauses Act 1847.
The Royal College of Veterinary Surgeons.
The Royal Commission on Environmental Pollution.
SITPRO Ltd.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain duties on certain bodies and other persons who are subject to the general duty under section 71(1) of the Race Relations Act 1976, to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. It also amends an earlier order.

The duties are imposed for the purpose of ensuring the better performance of the general duty. The Order imposes on a body or other person specified in Schedule 1 to the Order a duty to publish, by 31st May 2004, a Race Equality Scheme, that is a Scheme showing how it intends to fulfil the general duty and its duties under this Order. The Order imposes on the National Assembly for Wales a duty to have in place by 31st May 2004 arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of education and employment at educational establishments, and to fulfil those duties in accordance with such arrangements. The Order also requires bodies and other persons specified in Part III of Schedule 1A to the 1976 Act, other than those specified in article 4(5) of the Order, to have in place, by 31st May 2004, arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of employment by those bodies, and to fulfil those duties in accordance with such arrangements.

Article 5 of the Order amends an earlier order, the Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458), by omitting from the list of bodies or other persons which are required by that Order to publish Race Equality Schemes or which are exempted from the employment monitoring duty, the bodies specified in paragraph (a) or (b) of that article, as the case may be.

By virtue of section 5 of, and Schedule 1 to, the Interpretation Act 1978, references to a person in paragraphs (2) and (3) of article 2, and in paragraphs (1),(2), (3) and (5) of article 4, include references to a body.

STATUTORY INSTRUMENTS

2003 No. 3006

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties)
Order 2003

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STATUTORY INSTRUMENTS

2004 No.3125

RACE RELATIONS

The Race Relations Act 1976 (Statutory Duties) Order 2004

<i>Made</i> - - - -	<i>26th November 2004</i>
<i>Laid before Parliament</i>	<i>2nd December 2004</i>
<i>Coming into force</i> - -	<i>31st December 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the National Assembly for Wales and the Commission for Racial Equality, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2004 and shall come into force on 31st December 2004.

(2) In this Order—

“the Race Relations Act” means the Race Relations Act 1976;

“staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (discrimination in the employment field);

“the 2001 Order” means the Race Relations Act 1976 (Statutory Duties) Order 2001(b); and

references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Race equality schemes

2.—(1) A body or other person specified in Schedule 1 to this Order shall, before 31st May 2005, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and

(b) that person’s arrangements for—

(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

(a) 1976 c.74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000.

(b) S.I. 2001/3458.

- (ii) monitoring its policies for any adverse impact on the promotion of race equality;
- (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31st May 2005, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Monitoring by employers

3.—(1) A person to which this article applies shall,

- (a) before 31st May 2005 have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,

- (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) where that person has 150 or more full-time staff, the number of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Part IV of Schedule 1A to the Race Relations Act.

(5) This article does not apply to—

- (a) a person specified in Schedule 2 to this Order; or
- (b) a cross-border public authority in relation to the exercise of its Scottish functions within the meanings given by section L.2 of Part II of Schedule 5 to the Scotland Act 1998(a)

(6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

Amendment of 2001 Order

4. In Schedule 1 to the 2001 Order (bodies and other persons required to publish Race Equality Schemes), for the entry relating to a fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947 substitute “A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies”.

(a) 1998 c.46.

SCHEDULE 1

Article 2

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES BY 31ST MAY 2005

The Commission for Social Care Inspection
The Commission for Healthcare Audit and Inspection
The Independent Police Complaints Commission
The National Lottery Commission
The Office of Communications (Ofcom)
The Social Fund Commissioner of the Independent Review Service
The Standards Board for England
The Law Society of England and Wales

SCHEDULE 2

Article 3(5)(a)

BODIES AND OTHER PERSONS EXCEPTED BY ARTICLE 3(5)(A)

The Social Fund Commissioner of the Independent Review Service
The Women's National Commission

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain duties on certain bodies and other persons who are subject to the general duty under section 71(1) of the Race Relations Act 1976, to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. It also amends an earlier order.

The duties are imposed for the purpose of ensuring the better performance of the general duty. The Order imposes on a body or other person specified in Schedule 1 to the Order a duty to publish, by 31st May 2005, a Race Equality Scheme, that is a Scheme showing how it intends to

fulfil the general duty and its duties under this Order. The Order also requires bodies and other persons specified in Part IV of Schedule 1A to the 1976 Act, other than those specified in article 3(5) of the Order, to have in place, by 31st May 2005, arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of employment by those bodies, and to fulfil those duties in accordance with such arrangements.

Article 4 of the Order amends an earlier order, the Race Relations Act 1976 (Statutory Duties) Order 2001 (SI 2001/3458), by amending one of the entries in Schedule 1 to that Order (bodies and other persons required to publish race equality schemes).

By virtue of section 5 of, and Schedule 1 to, the Interpretation Act 1978, references to a person in paragraphs (2) and (3) of article 2, and in paragraphs (1), (2), (3) and (5) of article 3, include references to a body.

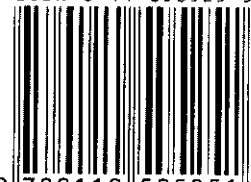
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 STATUTORY INSTRUMENTS

2006 No. 2471

RACE RELATIONS**The Race Relations Act 1976 (Statutory Duties) Order 2006**

<i>Made</i>	- - - -	<i>11th September 2006</i>
<i>Laid before Parliament</i>		<i>12th September 2006</i>
<i>Coming into force</i>	- -	<i>3rd October 2006</i>

The Secretary of State, in exercise of the power conferred by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the Commission for Racial Equality(b) and the National Assembly for Wales(c), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2006 and shall come into force on 3rd October 2006 immediately after the Race Relations Act 1976 (General Statutory Duty) Order 2006(d) comes into force.

(2) In this Order—

“the Race Relations Act” means the Race Relations Act 1976; and

“staff” includes any person treated as an employee for the purposes of Part 2 of the Race Relations Act (discrimination in the employment field).

Race Equality Schemes

2.—(1) A body or other person specified in the Schedule to this Order shall, before 2nd March 2007, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

- (a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and
- (b) that person’s arrangements for—
 - (i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
 - (ii) monitoring its policies for any adverse impact on the promotion of race equality;

(a) 1976 c.74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c.34). Previous orders made under subsections (2) and (3) are the Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458), the Race Relations Act 1976 (Statutory Duties) Order 2003 (S.I. 2003/3006) and the Race Relations Act 1976 (Statutory Duties) Order 2004 (S.I. 2004/3125).

(b) See section 71(4) of the Race Relations Act 1976.

(c) See section 71B(2) of the Race Relations Act 1976; section 71(B) was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c.34).

(d) S.I. 2006/2470.

- (iii) publishing the results of such assessments and consultation as are mentioned in paragraph (i) and of such monitoring as is mentioned in paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 2nd March 2007, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Monitoring by employers

3.—(1) A person to which this article applies shall,

- (a) before 2nd March 2007 have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong—

- (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) where that person has 150 or more full-time staff, the number of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Part 5 of Schedule 1A to the Race Relations Act(a).

(5) This article does not apply to—

- (a) The Office for Fair Access; and
- (b) a Scottish public authority with mixed functions or no reserved functions, as referred to section L2 of Part 2 of Schedule 5 to the Scotland Act 1998(b).

(6) In paragraph (2)(b), the reference to 150 full-time staff is a reference to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Amendment of the Race Relations Act 1976 (Statutory Duties) Order 2003

4. In Schedule 2 to the Race Relations Act 1976 (Statutory Duties) Order 2003 (bodies and other persons excepted by article 4(5)(a)(c), omit the entry “ The Pensions Compensation Board.”.

Signed by authority of the Secretary of State for Communities and Local Government

Phil Woolas
Minister of State

11th September 2006

Department for Communities and Local Government

(a) Part 5 was added by S.I. 2006/2470.
(b) 1998 c.46.
(c) S.I. 2003/3006

SCHEDULE

Article 2(1)

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES BY 2ND MARCH 2007

The British Transport Police Authority

The General Medical Council

The Olympic Delivery Authority

The Board of the Pension Protection Fund

The Serious Organised Crime Agency

The Training and Development Agency for Schools.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain specific duties on bodies who are subject to the general duty under section 71(1) of the Race Relations Act 1976 (c.74) (“the 1976 Act”) to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The duties are imposed for the purpose of ensuring the better performance of the general duty under section 71(1) of the 1976 Act.

Article 2 requires a body specified in the Schedule to this Order to publish a scheme before 2nd March 2007, showing how it intends to fulfil the general duty and its duties under this Order (a “Race Equality Scheme”).

Article 3 requires bodies and persons specified in Part 5 of Schedule 1A to the 1976 Act, other than those specified in article 3(5) of this Order, to monitor, by reference to racial groups, the number of staff in post and the number of applicants for employment, training and promotion. Additional requirements apply where the person has at least 150 full-time equivalent staff. Arrangements for fulfilling the monitoring requirements must be in place by 2nd March 2007.

Article 4 removes the Pensions Compensation Board from the list of bodies excepted from the employment monitoring duties in the Race Relations Act 1976 (Statutory Duties) Order 2003 (S.I. 2003/3006).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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