

2011 No. 776

EQUALITY

**The Former Equality Commissions' Codes of Practice
(Employment, Equal Pay, and Rights of Access for Disabled
Persons) (Revocation) Order 2011**

<i>Made</i> - - - -	<i>14th March 2011</i>
<i>Laid before Parliament</i>	<i>16th March 2011</i>
<i>Coming into force</i> - -	<i>6th April 2011</i>

The Secretary of State, at the request of the Commission for Equality and Human Rights and in exercise of the powers conferred by sections 39(2)(c) and 42(3)(a) of the Equality Act 2006(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Former Equality Commissions' Codes of Practice (Employment, Equal Pay, and Rights of Access for Disabled Persons) (Revocation) Order 2011 and comes into force on 6th April 2011.

Revocation of codes of practice

2. Subject to article 3, the following codes of practice are revoked—
- (a) the code of practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment referred to in article 2 of the Sex Discrimination Code of Practice Order 1985(b);
 - (b) the Code of Practice on Equal Pay(c) referred to in article 2 of the Code of Practice on Equal Pay Order 2003(d);
 - (c) the Disability Discrimination Act 1995 Code of Practice on Employment and Occupation(e) referred to in article 2 of the Disability Discrimination Codes of Practice (Employment and Occupation, and Trade Organisations and Qualifications Bodies) Appointed Day Order 2004(f);
 - (d) the revised Code of Practice on Racial Equality in Employment(g) referred to in article 2 of the Race Relations Code of Practice relating to Employment (Appointed Day) Order 2006(h);

(a) 2006 c. 3.
(b) S.I. 1985/387.
(c) ISBN No. 1 84206 094 5.
(d) S.I. 2003/2865.
(e) ISBN No. 0-11-703419-3.
(f) S.I. 2004/2302.
(g) ISBN No. 1 85442 570 6.
(h) S.I. 2006/630.

- (e) the Disability Discrimination Act 1995 Code of Practice on Rights of Access: services to the public, public authority functions, private clubs and premises^(a) referred to in article 2 of the Disability Discrimination Code of Practice (Services, Public Functions, Private Clubs and Premises) (Appointed Day) Order 2006^(b).

Transitional provision

3. The codes of practice referred to in article 2 are to continue to have effect for the purposes of section 15(4)(b) of the Equality Act 2006 in relation to any proceedings which may be brought under the Equal Pay Act 1970^(c), the Sex Discrimination Act 1975^(d), the Race Relations Act 1976^(e) or the Disability Discrimination Act 1995^(f) by virtue of article 11, 15 or 18 of the Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010^(g).

Theresa May
Secretary of State for the Home Department

14th March 2011

(a) ISBN No. 0-11-703695-1.
(b) S.I. 2006/1967.
(c) 1970 c. 41.
(d) 1975 c. 65.
(e) 1976 c. 74.
(f) 1995 c. 50.
(g) S.I. 2010/2317 (C. 112).

EXPLANATORY NOTE

(This note is not part of the Order)

Subject to the transitional provision in article 3, this Order revokes, with effect from 6th April 2011, various codes of practice (“the codes”) issued by former commissions dissolved pursuant to the Equality Act 2006 (Dissolution of Commissions and Consequential and Transitional Provisions) Order 2007 (S.I. 2007/2602). The codes continued to have effect by virtue of section 42(3)(a) of the Equality Act 2006 (c.3). They were issued under provisions in previous discrimination legislation which were repealed by the Equality Act 2010 (c.15) with effect from 1st October 2010 (see S.I. 2010/2317 (C.112)).

The codes are: the code of practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment, issued by the former Equal Opportunities Commission under section 56A of the Sex Discrimination Act 1975 (c.65), which came into effect on 30th April 1985 (S.I. 1985/387); the Code of Practice on Equal Pay, also issued by the former Equal Opportunities Commission under section 56A of the Sex Discrimination Act 1975, which came into effect on 1st December 2003 (S.I. 2003/2865); the Disability Discrimination Act 1995 Code of Practice on Employment and Occupation, issued by the former Disability Rights Commission under section 53A of the Disability Discrimination Act 1995 (c.50), which came into effect on 1st October 2004 (S.I. 2004/2302); the revised Code of Practice on Racial Equality in Employment, issued by the former Commission for Racial Equality under section 47 of the Race Relations Act 1976 (c.74), which came into effect on 6th April 2006 (S.I. 2006/630); and the Disability Discrimination Act 1995 Code of Practice on Rights of Access: services to the public, public authority functions, private clubs and premises, issued by the former Disability Rights Commission under section 53A of the Disability Discrimination Act 1995, which came into effect on 4th December 2006 (S.I. 2006/1967).

Article 3 makes transitional provision for proceedings arising from alleged contraventions of previous discrimination legislation saved in respect of insurance business in relation to existing insurance policies, or occurring wholly before 1st October 2010, or so far as the previous legislation relates to work on ships, work on hovercraft and seafarers (until regulations under section 81 of the Equality Act 2010 come into force). The codes are to continue to have effect in relation to such proceedings for the purposes of section 15(4)(b) of the Equality Act 2006, which requires a court or tribunal to take a code into account in any case in which it appears to the court or tribunal to be relevant.

New codes of practice that supersede the codes have been issued by the Commission for Equality and Human Rights, established by the Equality Act 2006, which amalgamated the former Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission on 1st October 2007. The new codes were issued under section 14(1) of the Equality Act 2006 as amended by the Equality Act 2010, and come into force on 6th April 2011 pursuant to the Equality Act 2010 Codes of Practice (Services, Public Functions and Associations, Employment, and Equal Pay) Order 2011, which has not yet been made.

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