

2006 No. 0000

SEX DISCRIMINATION

The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - 6th April 2007

The Secretary of State makes this Order in exercise of the powers conferred by sections 76B(1) and 76C(2) of the Sex Discrimination Act 1975(a). She has consulted the Equal Opportunities Commission in accordance with section 76B(2) of the Sex Discrimination Act 1975; she has consulted the National Assembly for Wales in accordance with section 76B(3)(a) of that Act and, in so far as this Order makes provision in respect of persons all of whose functions are exercisable in relation to Wales, she has obtained the consent of the National Assembly for Wales in accordance with section 76B(3)(b) of that Act; and she has consulted the Scottish Ministers in accordance with section 76C(6) of that Act.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 and shall come into force on 6th April 2007 immediately after section 76A of the Sex Discrimination Act 1975(b).

(2) In this Order—

“listed authority” means a public authority listed in the Schedule to this Order;

“section 76A(1) duty” means the duty of a public authority, under section 76A(1) of the Sex Discrimination Act 1975, in carrying out its functions, to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women; and

“staff” includes any person treated as an employee for the purposes of Part 2 of the Sex Discrimination Act 1975 (Employment Field).

(a) 1975 c. 65. Sections 76B and 76C were inserted by section 85 of the Equality Act 2006 (c. 3). Sections 76B and 76C came into force for the purpose of exercising powers to make orders on 18th April 2006 by virtue of article 2(i) of the Equality Act 2006 (Commencement No. 1) Order 2006 (S.I. 2006/1082). For remaining purposes, sections 76B and 76C come into force on 6th April 2007 by virtue of article 4(b) of S.I. 2006/1082.

(b) Section 76A was inserted by section 84 of the Equality Act 2006 (c. 3). Section 76A came into force for the purpose of exercising any power to make orders under section 76B and 76C of the 1975 Act on 18th April 2006 by virtue of article 2(h) of S.I. 2006/1082. For remaining purposes, section 76A comes into force on 6th April 2007 by virtue of article 4(b) of S.I. 2006/1082.

Preparation and publication of a Gender Equality Scheme

2.—(1) A listed authority shall by 30th April 2007 prepared and publish a Gender Equality Scheme (a “Scheme”), that is a scheme showing how it intends to fulfil its section 76A(1) duty and its duties under this Order.

(2) In preparing a Scheme, a listed authority shall consult employees, service users and others (including trade unions) who appear to it to have an interest in the way it carries out its functions.

(3) In preparing a Scheme, a listed authority shall take into account any information it has gathered of the kind described in paragraph (6)(a) and any other information it considers to be relevant to the performance of its section 76A(1) duty and its duties under this Order.

(4) A listed authority shall ensure that its Scheme sets out the overall objectives which it has identified as being necessary for it to perform its section 76A(1) duty and its duties under this Order.

(5) A listed authority shall, when formulating its objectives for the purposes of paragraph (4), consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex.

(6) A listed authority shall ensure that its Scheme sets out the actions which it has taken or intends to take to—

- (a) gather information on the effect of its policies and practices on men and women and in particular—
 - (i) the extent to which they promote equality between its male and female staff, and
 - (ii) the extent to which the services it provides and the functions it performs take account of the needs of men and women;
- (b) make use of such information and any other information the authority considers to be relevant, to assist it in the performance of its section 76A(1) duty, its duties under this Order and in particular its regular review of—
 - (i) the effectiveness of the actions identified for the purposes of sub-paragraph (e), and
 - (ii) its arrangements for the preparation of subsequent Schemes;
- (c) assess the impact of its policies and practice, or the likely impact of its proposed policies and practices, on equality between women and men;
- (d) consult relevant employees, service users and others (including trade unions); and
- (e) achieve the fulfilment of the objectives set out for the purposes of paragraph (4).

Implementation of the Gender Equality Scheme

3.—(1) A listed authority shall, within the period of three years beginning with the date when a Scheme or a revised Scheme is prepared and published under article 2 or 4, put into effect the actions identified for the purposes of—

- (a) article 2(6)(a);
- (b) article 2(6)(b); and
- (c) article 2(6)(e).

(2) Nothing in this article imposes any requirement on a listed authority where, in all the circumstances, it would be unreasonable or impracticable for it to perform the requirement.

Review of a Gender Equality Scheme

4. A listed authority shall review its Scheme and prepare and publish a revised Scheme—
- (a) not later than the end of the period of three years beginning with the date of publication of its first Scheme; and
 - (b) subsequently at intervals of not more than three years beginning with the date of publication of the last revision of a Scheme.

Publication of a Gender Equality Scheme as part of another document

5. A listed authority may comply with the duty to publish under article 2 or 4 by setting out its Scheme as part of another published document or within a number of other published documents.

Annual Reporting

6.—(1) A listed authority shall take such steps as are reasonably practicable to publish annually a report summarising the actions that the authority has taken towards the achievement of the objectives identified for the purposes of article 2(4).

(2) Such an authority may comply with the duty to publish under paragraph (1) by setting out its report within another published document.

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

	<i>Name</i>
	Minister of State
2006	Department of Communities and Local Government

SCHEDULE

Article 1(2)

The Advisory, Conciliation and Arbitration Service

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

The Arts and Humanities Research Council

The Arts Council of England

The Arts Council of Wales

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

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

The Auditor General for Wales

The Biotechnology & Biological Sciences Research Council

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

The British Broadcasting Corporation, in respect of its public functions

The British Council

The British Library

The British Museum

The British Transport Police Authority

The British Waterways Board

Bwrdd yr Iaith Gymraeg or Welsh Language Board

(a) 1998 c. 38.
(b) 1985 c. 51.

The Care Commission for Wales

The Central Police Training and Development Authority (CENTREX)

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

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^(a)

A chief constable of a police force maintained under section 2 of the Police Act 1996^(b)

The Children and Family Court Advisory and Support Service

The Children's Commissioner for England

The Children's Commission for Wales

The Commission for Healthcare Audit and Inspection

The Commission for Racial Equality

The Commission for Social Care Inspection

The Commissioner of Police for the City of London

The Commissioner of Police for the Metropolis

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

The Construction Industry Training Board

Council for Healthcare Regulatory Excellence

Council for Licensed Conveyancers

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

In Wales, a county council or a country borough council

The Council of the Isles of Scilly

The Council for the Central Laboratory of the Research Councils

The Countryside Council for Wales

The Court of Faculties

The Disability Rights Commission

The Economic & Social Research Council

The Electoral Commission

English Partnerships

The Engineering Construction Industry Training Board

The Engineering & Physical Sciences Research Council

The Equal Opportunities Commission

Estyn

(a) 1987 c. 4.
(b) 1996 c. 16.

The Financial Services Authority

A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(a) or a scheme to which section 4 of the Act applies

The General Chiropractic Council

The General Council of the Bar

The General Dental Council

The General Medical Council

The General Optical Council

The General Osteopathic Council

The General Social Care Council

The General Teaching Council for England

The General Teaching Council for Wales

The governing body of an educational establishment maintained by a local education authority, in England

The governing body of an educational establishment maintained by a local education authority in Wales

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(b)

The governing body of an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992

The Greater London Authority

A Health Authority established under section 8 of the National Health Service Act 1977(c)

The Health Protection Agency

The Health and Safety Commission

The Health and Safety Executive

The Higher Education Funding Council for England

The Higher Education Funding Council for Wales

The Historic Royal Palaces Trust

The Horniman Museum

A housing action trust established under Part 3 of the Housing Act 1988(d)

The Housing Corporation

The Human Fertilisation and Embryology Authority

The Imperial War Museum

The Independent Police Complaints Commission

(a) 2004 c. 21.

(b) 1992 c. 13.

(c) 1977 c. 49.

(d) 1988 c. 50.

The Institute of Legal Executives

The Institute of Trademark Attorneys

A joint authority established under Part 4 of the Local Government Act 1985(a) (police, fire services, civil defence and transport)

A joint authority established under section 21 of the Local Government Act 1992(b)

The Judicial Appointments Commission

The Law Society of England and Wales

The Learning and Skills Council for England

The Legal Services Commission

A local authority with respect to the pupil referral units it establishes and maintains by virtue of section 19 of the Education Act 1996(c)

A local education authority

A Local Health Board for an area of Wales established under section 16BA of the National Health Service Act 1977(d)

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

The London Development Agency

The London Fire and Emergency Planning Authority

The Medical Research Council

Her Majesty's Inspectorate of Court Administration

The Metropolitan Police Authority established under section 5B of the Police Act 1996(f)

A Minister of the Crown or government department

The Museum Archives and Libraries Council

The Museum of London

The Museum of Science and Industry in Manchester

The National Assembly for Wales

The National Audit Office

The National College for School Leadership

The National Gallery

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

(a) 1985 c. 51.
(b) 1992 c. 19.
(c) 1996 c. 56.
(d) 1977 c. 49.
(e) 2000 c. 43.
(f) 1996 c. 16.
(g) 1990 c. 19.

A National Health Service foundation trust established by the Health and Community Care (Community Health and Standards) Act 2003(a)

The National Library of Wales

The National Lottery Commission

The National Maritime Museum

The National Museum for Science and Industry

National Museum Wales

A National Park Authority established by an order under section 63 of the Environment Act 1995(b)

The National Portrait Gallery

Natural England

The Natural Environment Research Council

The Natural History Museum

The Nursing and Midwifery Council

Ofcom

The Olympic Delivery Authority

The Particle Physics and Astronomy Research Council

A Passenger Transport Executive for a passenger transport area in England and Wales within the meaning of Part 2 of the Transport Act 1968(c)

A police authority established under section 3 of the Police Act 1996(d)

The Postgraduate Medical Education and Training Board

A primary care trust established under section 16A of the National Health Service Act 1977(e)

The proprietor of a City Technology College, a City College for Technology of the Arts or an Academy

The Qualifications and Curriculum Authority (QCA)

The Quality Improvement Agency

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

Remploy Limited

The Sector Skills Development Agency

The Security Industry Authority

The Serious Organised Crime Agency

(a) 2003 c. 43.

(b) 1995 c. 25.

(c) 1968 c. 73.

(d) 1996 c. 16.

(e) 1977 c. 49.

(f) 1998 c. 45.

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

Sir John Soane's Museum

The Standards Board for England

Student Loans Company Ltd

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

The Tate Gallery

The Training and Development Agency for Schools

Transport for London

The UK Film Council

UK Sport

The Victoria and Albert Museum

VisitBritain

The Wallace Collection

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes specific duties on the public authorities listed in the Schedule to the Order (“listed authorities”). The purpose of the specific duties is to ensure better performance by listed authorities of their duty to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women in carrying out their functions under section 76A(1) of the Sex Discrimination Act 1975 (c. 65) (as inserted by section 84 of the Equality Act 2006 (c. 3)).

Article 2 requires listed authorities to prepare and publish a Gender Equality Scheme (a “Scheme”) by 30th April 2007. This article also prescribes the various components of such a Scheme.

Article 3 requires listed authorities to implement certain components of each Scheme they have published pursuant to Article 2 or Article 4. They should do this within three years beginning with the date on which they published the relevant Scheme.

Article 4 requires listed authorities to prepare and publish a revised Scheme within three years after the publication of their first Scheme at the latest, and to continue to publish a revised Scheme every three years thereafter.,

Article 5 provides that a listed authority’s Scheme can be published as part of another document.

Article 6 requires listed authorities to take such steps as a reasonably practicable to report annually actions taken to meet the overall objectives in its Scheme. These reports can be published as part of another document.

The regulatory impact of this Order has been assessed and a Regulatory Impact Assessment is available at www.womenandequalityunit.gov.uk. A copy has been placed in the library of each House of Parliament.