Equality Act 2010

2010 CHAPTER 15

PART 11

ADVANCEMENT OF EQUALITY

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

age;
disability;
gender reassignment;
pregnancy and maternity;
race;
religion or belief;
sex;
sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.

150 Public authorities and public functions

(1) A public authority is a person who is specified in Schedule 19.

(2) In that Schedule—

Part 1 specifies public authorities generally;
Part 2 specifies relevant Welsh authorities;
Part 3 specifies relevant Scottish authorities.

(3) A public authority specified in Schedule 19 is subject to the duty imposed by section 149(1) in relation to the exercise of all of its functions unless subsection (4) applies.

(4) A public authority specified in that Schedule in respect of certain specified functions is subject to that duty only in respect of the exercise of those functions.

(5) A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

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Commencement Information

I1 S. 150 wholly in force at 5.4.2011; s. 150 not in force at Royal Assent see 216; s. 150 in force for certain purposes at 18.1.2011 by S.I. 2011/96, **art. 2(a)**; s. 150 in force so far as not already in force at 5.4.2011 by S.I. 2011/1066, **art. 2(b)**

151 Power to specify public authorities

(1) A Minister of the Crown may by order amend Part 1, 2 or 3 of Schedule 19.

(2) The Welsh Ministers may by order amend Part 2 of Schedule 19.

(3) The Scottish Ministers may by order amend Part 3 of Schedule 19.

(4) The power under subsection (1), (2) or (3) may not be exercised so as to—

(a) add an entry to Part 1 relating to a relevant Welsh or Scottish authority or a cross-border Welsh or Scottish authority;

(b) add an entry to Part 2 relating to a person who is not a relevant Welsh authority;

(c) add an entry to Part 3 relating to a person who is not a relevant Scottish authority.

(5) A Minister of the Crown may by order amend Schedule 19 so as to make provision relating to a cross-border Welsh or Scottish authority.

(6) On the first exercise of the power under subsection (5) to add an entry relating to a cross-border Welsh or Scottish authority to Schedule 19, a Minister of the Crown must—

(a) add a Part 4 to the Schedule for cross-border authorities, and

(b) add the cross-border Welsh or Scottish authority to that Part.

(7) Any subsequent exercise of the power under subsection (5) to add an entry relating to a cross-border Welsh or Scottish authority to Schedule 19 must add that entry to Part 4 of the Schedule.

(8) An order may not be made under this section so as to extend the application of section 149 unless the person making it considers that the extension relates to a person by whom a public function is exercisable.

(9) An order may not be made under this section so as to extend the application of section 149 to—

(a) the exercise of a function referred to in paragraph 3 of Schedule 18 (judicial functions, etc);

(b) a person listed in paragraph 4(2)(a) to (e) of that Schedule (Parliament, devolved legislatures and General Synod);

(c) the exercise of a function listed in paragraph 4(3) of that Schedule (proceedings in Parliament or devolved legislatures).

152 Power to specify public authorities: consultation [F1]...

(1) Before making an order under a provision specified in the first column of the Table, a Minister of the Crown must consult the person or persons specified in the second column.

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Provision	*Consultees*
Section 151(1)	The Commission
Section 151(1), so far as relating to a relevant Welsh authority	The Welsh Ministers
Section 151(1), so far as relating to a relevant Scottish authority	The Scottish Ministers
Section 151(5)	The Commission
Section 151(5), so far as relating to a cross-border Welsh authority	The Welsh Ministers
Section 151(5), so far as relating to a cross-border Scottish authority	The Scottish Ministers

(2) Before making an order under section 151(2), the Welsh Ministers must **[**[F2]consult the Commission, and after making such an order they must inform a Minister of the Crown.**]**

(3) Before making an order under section 151(3), the Scottish Ministers must **[**[F3]consult the Commission, and after making such an order they must inform a Minister of the Crown.**]**

Textual Amendments

F1 Words in s. 152 heading omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 44(2)(b)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F2 Words in s. 152(2) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 44(2)(a)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F3 Words in s. 152(3) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 37(7)**, 72(7)

153 Power to impose specific duties

(1) A Minister of the Crown may by regulations impose duties on a public authority specified in Part 1 of Schedule 19 for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1).

(2) The Welsh Ministers may by regulations impose duties on a public authority specified in Part 2 of Schedule 19 for that purpose.

(3) The Scottish Ministers may by regulations impose duties on a public authority specified in Part 3 of Schedule 19 for that purpose.

(4) Before making regulations under this section, the person making them must consult the Commission.

154 Power to impose specific duties: cross-border authorities

(1) If a Minister of the Crown exercises the power in section 151(5) to add an entry for a public authority to Part 4 of Schedule 19, the Minister must include after the entry a letter specified in the first column of the Table in subsection (3).

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(2) Where a letter specified in the first column of the Table in subsection (3) is included after an entry for a public authority in Part 4 of Schedule 19, the person specified in the second column of the Table—

(a) may by regulations impose duties on the authority for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1), subject to such limitations as are specified in that column;

(b) must in making the regulations comply with the procedural requirement specified in that column.

(3) This is the Table—

Letter	***Person by whom regulations may be made and procedural requirements***
A	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are not devolved Welsh functions. The Minister of the Crown must consult the Welsh Ministers before making the regulations. Regulations may be made by the Welsh Ministers in relation to the authority's devolved Welsh functions. **[**[F4]The Welsh Ministers must inform a Minister of the Crown after**]** making the regulations.
B	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are not devolved Scottish functions. The Minister of the Crown must consult the Scottish Ministers before making the regulations. Regulations may be made by the Scottish Ministers in relation to the authority's devolved Scottish functions. **[**[F5]The Scottish Ministers must inform a Minister of the Crown after**]** making the regulations.
C	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are neither devolved Welsh functions nor devolved Scottish functions. The Minister of the Crown must consult the Welsh Ministers and the Scottish Ministers before making the regulations. Regulations may be made by the Welsh Ministers in relation to the authority's devolved Welsh functions. **[**[F4]The Welsh Ministers must inform a Minister of the Crown after**]** making the regulations. Regulations may be made by the Scottish Ministers in relation to the authority's devolved Scottish functions. **[**[F5]The Scottish Ministers must inform a Minister of the Crown after**]** making the regulations.
D	The regulations may be made by a Minister of the Crown.

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The Minister of the Crown must consult the Welsh Ministers before making the regulations.

(4) Before making regulations under subsection (2), the person making them must consult the Commission.

Textual Amendments

F4 Words in s. 154(3) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 44(3)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F5 Words in s. 154(3) table substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 37(8)**, 72(7)

155 Power to impose specific duties: supplementary

(1) Regulations under section 153 or 154 may require a public authority to consider such matters as may be specified from time to time by—

(a) a Minister of the Crown, where the regulations are made by a Minister of the Crown;

(b) the Welsh Ministers, where the regulations are made by the Welsh Ministers;

(c) the Scottish Ministers, where the regulations are made by the Scottish Ministers.

(2) Regulations under section 153 or 154 may impose duties on a public authority that is a contracting authority within the meaning of the **[**[F6]public procurement legislation**]** in connection with its public procurement functions.

[[F7](3) In this section—

"concession contract" has the same meaning as in the Procurement Act 2023 (see section 8 of that Act);

"covered procurement" has the same meaning as in the Procurement Act 2023 (see section 1 of that Act);

"defence and security contract" has the same meaning as in the Procurement Act 2023 (see section 7 of that Act);

"devolved Scottish authority" has the same meaning as in the Procurement Act 2023 (see section 2 of that Act);

"public procurement functions" means—

(a) functions related to covered procurement, other than the procurement of a utilities contract, defence and security contract or concession contract, the exercise of which is regulated by the Procurement Act 2023, as amended from time to time, or

(b) functions the exercise of which is regulated by the Public Contracts (Scotland) Regulations 2015 (S.S.I. 2015/446), as amended from time to time;

"public procurement legislation" means the Procurement Act 2023 or, in respect of a public authority that is a devolved Scottish authority, the Public Contracts (Scotland) Regulations 2015, as amended from time to time;

"utilities contract" has the same meaning as in the Procurement Act 2023 (see section 6 of that Act).**]**

(4) Subsections (1) and (2) do not affect the generality of section 153 or 154(2)(a).

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(5) A duty imposed on a public authority under section 153 or 154 may be modified or removed by regulations made by—

(a) a Minister of the Crown, where the original duty was imposed by regulations made by a Minister of the Crown;

(b) the Welsh Ministers, where the original duty was imposed by regulations made by the Welsh Ministers;

(c) the Scottish Ministers, where the original duty was imposed by regulations made by the Scottish Ministers.

Textual Amendments

F6 Words in s. 155(2) substituted (24.2.2025) by The Procurement Act 2023 (Consequential and Other Amendments) Regulations 2025 (S.I. 2025/163), regs. 1(2), **6(2)(a)**

F7 S. 155(3) substituted (24.2.2025) by The Procurement Act 2023 (Consequential and Other Amendments) Regulations 2025 (S.I. 2025/163), regs. 1(2), **6(2)(b)**

156 Enforcement

A failure in respect of a performance of a duty imposed by or under this Chapter does not confer a cause of action at private law.

157 Interpretation

(1) This section applies for the purposes of this Chapter.

[F8(2) A relevant Welsh authority is a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) other than the Assembly Commission.**]**

(3) A cross-border Welsh authority is a person other than a relevant Welsh authority (or the Assembly Commission) who has any function that—

(a) is exercisable in or as regards Wales, and

(b) is a devolved Welsh function.

(4) The Assembly Commission has the same meaning as in the Government of Wales Act 2006.

[F9(5) A function is a devolved Welsh function if—

(a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or

(b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.**]**

(6) A relevant Scottish authority is a public body, public office or holder of a public office—

(a) which is not a cross-border Scottish authority or the Scottish Parliamentary Corporate Body,

(b) whose functions are exercisable only in or as regards Scotland, and

(c) at least some of whose functions do not relate to reserved matters.

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(7) A cross-border Scottish authority is a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998.

(8) A function is a devolved Scottish function if it—

(a) is exercisable in or as regards Scotland, and

(b) does not relate to reserved matters.

(9) Reserved matters has the same meaning as in the Scotland Act 1998.

Textual Amendments

F8 S. 157(2) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 84(2)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

F9 S. 157(5) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 84(3)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

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Changes and effects yet to be applied to :

- s. 40(1A)-(1C) inserted by 2025 c. 36 s. 21
- s. 40B inserted by 2025 c. 36 s. 22(2)
- s. 78(3A)(3B) inserted by 2025 c. 36 s. 34(2)
- s. 153(1A)(1B) inserted by 2025 c. 36 s. 34(3)
- s. 154(3A)(3B) inserted by 2025 c. 36 s. 34(4)
- s. 208(5)(aa) inserted by 2025 c. 36 s. 22(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40(1A)-(1C) inserted by 2025 c. 36 s. 21
- s. 40B inserted by 2025 c. 36 s. 22(2)
- s. 78(3A)(3B) inserted by 2025 c. 36 s. 34(2)
- s. 153(1A)(1B) inserted by 2025 c. 36 s. 34(3)
- s. 154(3A)(3B) inserted by 2025 c. 36 s. 34(4)
- s. 208(5)(aa) inserted by 2025 c. 36 s. 22(3)