

**EXPLANATORY MEMORANDUM TO**  
**THE RACE RELATIONS ACT 1976 (GENERAL STATUTORY DUTY)**  
**ORDER 2006**

**2006 No. 2470**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Race Relations Act 1976 (General Statutory Duty) Order 2006 amends Schedule 1A to the Race Relations Act 1976 (“the 1976 Act”) by adding bodies exercising public functions which have recently come into existence, and removing bodies which have ceased to exist. Schedule 1A lists bodies which are subject to the general duty under section 71(1) of 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.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative background**

4.1 This Order is made under section 71(5) of the Race Relations Act 1976 in relation to bodies which the Secretary of State considers to exercise functions of a public nature. This power has been used to make three previous Orders extending the list of bodies in Schedule 1A, deleting bodies which had ceased to exist and amending descriptions of bodies to reflect changes in their details. Schedule 1A was inserted by the Race Relations (Amendment) Act 2000 (c.34) and has been amended by the following Orders:

The Race Relations Act 1976 (General Statutory Duty) Order 2001 (S.I. 2001/3457) was laid before Parliament on 24th October 2001 and came into force on 3rd December 2001.

The Race Relations Act 1976 (Statutory Duties) Order 2003 (S.I. 2003/3007) was laid before Parliament on 26th November 2003 and came into force on 31st December 2006.

The Race Relations Act 1976 (Statutory Duties) Order 2004 (S.I. 2004/3127) was laid before Parliament on 2nd December and came into force on 31st December 2004.

**5. Extent**

This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

The Minister for Local Government and Community Cohesion, Phil Woollas, has made the following statement regarding Human Rights: In my view, the provisions of the Race Relations Act 1976 (General Statutory Duty) Order 2006 are compatible with the European Convention on Human Rights.

## **7. Policy Background**

- 7.1 This Order has been made under provisions inserted into the 1976 Act by the Race Relations (Amendment) Act 2000, which came into force on 2nd April 2001 1976. The 2000 Act responded to recommendation 11 of the Stephen Lawrence Inquiry Report that the full force of race legislation should apply to the police, and went further.
- 7.2 Among other things, the 2000 Act:
- outlawed direct and indirect discrimination and victimisation in all public authority functions not covered by the original Race Relations Act 1976, with limited exception; and
  - placed a general duty on specified public authorities to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity between persons of different racial groups.
- 7.3 Elimination of racial inequality from public services is a Government priority. The Government seeks to update Schedule 1A regularly.

## **Consultation**

- 7.4 The changes being made by this Order take account of consultation with the Commission for Racial Equality. All the bodies added to the Schedule by this Order have been informed of the intention to do so and almost all have confirmed that they are content. Two have not responded. None have objected to being included.

## **8. Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.
- 8.2 Impact on the public sector will be minimal. The promotion of race equality should be an integral part of the way in which a public body performs its functions and not a resource intensive add-on. Almost all bodies carrying out functions of a public nature are already covered by the general duty and this has not given rise to claims of an unacceptable regulatory burden. It would therefore be anomalous to exclude certain bodies simply because they have only recently been created.

## **9. Contact**

David Ware at the Department for Communities and Local Government: telephone: 020 70353736 or e-mail: david.ware@communities.gsi.gov.uk can answer any queries regarding this instrument.