

Equality and Diversity (Reform) Bill

CONTENTS

- 1 Prohibition of affirmative or positive action by public authorities
- 2 Definition of “affirmative or positive action”
- 3 Repeal of Sex Discrimination (Election Candidates) Act 2002
- 4 Short title and commencement

Schedule – Repeals

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B I L L

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Prohibit the use of affirmative and positive action in recruitment and appointment processes; to repeal the Sex Discrimination Act (Election Candidates) Act 2002; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Prohibition of affirmative or positive action by public authorities

- (1) It is unlawful for a public authority to promote or engage in any form of affirmative or positive action, as defined in section 2, when recruiting employees and making appointments.
- (2) Any act by a public authority which contravenes the provisions of this Act is actionable as a breach of public duty. 5
- (3) For the purposes of this section “public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (c 42).

2 Definition of “affirmative or positive action”

- (1) For the purpose of this Act, “affirmative or positive action” means any action that is intended to give a benefit or encouragement to a particular group or groups of people, on the basis of the—
 - (a) age,
 - (b) sex,
 - (c) sexual orientation, 15
 - (d) race,
 - (e) nationality,
 - (f) disability,
 - (g) religion, or
 - (h) socio-economic status 20of members of that group.

- (2) Such actions include, but are not restricted to, the setting and pursuit of targets in respect of any of the characteristics specified in subsection (1) for the purposes of –
- (a) recruitment, or
 - (b) appointment of persons to any scheme, programme, post or other similar such position.

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3 Repeal of Sex Discrimination (Election Candidates) Act 2002

- (1) The Sex Discrimination (Election Candidates) Act 2002 (c. 2) is repealed.
- (2) The Schedule has effect.

4 Short title and commencement

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- (1) This Act may be cited as the Equality and Diversity (Reform) Act 2009.
- (2) This Act comes into force six months after the date on which it is passed.

SCHEDULE

Section 3

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Sex Discrimination (Election Candidates) Act (c. 2)	The whole Act.

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*Ordered, by The House of Commons,
to be Printed, 21 January 2009.*

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LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx