



Isle of Man

Ellan Vannin

SD 2017/0384

**EQUALITY ACT 2017 (APPOINTED DAY
NO. 3 AND TRANSITIONAL PROVISIONS)
ORDER 2017**



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Statutory Document No. 2017/0384



Equality Act 2017

EQUALITY ACT 2017 (APPOINTED DAY NO. 3 AND TRANSITIONAL PROVISIONS) ORDER 2017

Made:

20th December 2017

The Council of Ministers makes the following Order under section 2 of the Equality Act 2017.

1 Title

This Order is the Equality Act 2017 (Appointed Day No. 3 and Transitional Provisions) Order 2017.

2 Interpretation

- (1) In this Order, “**the Act**” means the *Equality Act 2017*.
- (2) In the Schedules to this Order, —
 - (a) a reference to a numbered section, Part or Schedule is a reference to the corresponding provision of the Act which bears that number; and
 - (b) a reference to the making of subordinate legislation includes a reference to the issuing of guidance or other ancillary documents.

3 Provisions coming into operation on 1 January 2018

Schedule 1 has effect to provide for the commencement of provisions of the Act specified in columns 1 and 2 of Table 1 for the purposes specified in column 3 on 1 January 2018.

4 [Revoked]¹

5 [Revoked]²

MADE 20TH DECEMBER 2017

W GREENHOW
Chief Secretary

SCHEDULE 1

PROVISIONS COMING INTO OPERATION ON 1 JANUARY 2018

[Article 3]

1 Provision commencing on 1 January 2018

The provisions specified in column 1 of Table 1, and described in column 2, come into operation on 1 January 2018 for the purposes specified in column 3.

TABLE 1

Provision	Description	Purpose
Section 3(1) to (15) and (17).	Interpretation.	All purposes.
Section 4.	References to maternity leave etc.	The making of subordinate legislation.
Section 5.	The protected characteristics.	
Section 6.	Age.	
Section 7 (and Schedule 1).	Disability.	
Sections 8 to 13	The protected characteristics of — (a) gender reassignment (s.8); (b) marriage and civil partnership (s.9); (c) race (s.10); (d) religion or belief (s. 11); (e) sex (s. 12); (f) sexual orientation (s.13).	
Section 14	Direct discrimination.	
Section 16	Discrimination arising from disability.	
Section 17	Gender reassignment discrimination: absence from work.	
Section 18	Pregnancy and maternity discrimination: non work cases.	
Section 19	Pregnancy and maternity discrimination: work cases.	
Section 20	Indirect discrimination.	
Sections 21 and 22	Duty to make reasonable adjustments and failure to comply with duty.	
Section 23	Regulations.	All purposes.
Sections 24 and 25	Comparison by reference to circumstances and	The issuing of guidance.

	irrelevance of alleged discriminator's characteristics.	
Section 26	References to particular strands of discrimination.	All purposes.
Sections 27 and 28	Harassment and victimisation.	The making of subordinate legislation.
Part 3 (sections 29 to 31 and Schedules 2 and 3)	Services and public functions.	
Part 4 (sections 32 to 37 and Schedules 4 and 5)	Premises.	
Part 5, Divisions 1 to 3 (sections 38 to 72 and Schedules 6 and 7).	Work.	The making of subordinate legislation.
Section 73	Offshore work.	All purposes.
Section 74	International pension arrangements.	All purposes.
Section 75 (and Schedules 8 and 9).	Interpretation (for Part 5) and exceptions.	The making of subordinate legislation.
Part 6 (sections 76 to 90 and Schedules 10 to 14), other than section 90.	Education.	The making of subordinate legislation; the preparation and publication of accessibility strategies and plans; the specification by the appropriate regulator of provisions, criteria and practices in respect of which the duty to make reasonable adjustments does not apply, or applies in modified form; and the designation by DESC of institutions having a religious ethos.
Section 90	Educational charities.	All purposes.
Part 7 (sections 91 to 95 and Schedules 15 and 16)	Associations.	The making of subordinate legislation.
Part 8 (sections 96 to 100)	Prohibited conduct.	The issuing of guidance.
Part 9 (sections 101 to 136 and Schedules 17 and 18)	Enforcement.	The appointment of members of the Tribunal and the making of rules for its procedure; the making of subordinate legislation (including Tribunal rules and rules of court and orders for the payment of expenses of persons involved in proceedings before the Tribunal) under any provision of the Part;

		the appointment of a person by DESC in relation to proceedings under section 107 and of persons by the Manx Industrial Relations Service under section 121(8).
Part 10 (sections 137 to 142)	Contracts etc.	The issuing of guidance.
Part 11 (sections 143 to 147)	Advancement of equality.	The making of subordinate legislation.
Part 12 (sections 148 and 149 and Schedule 19)	Disability: miscellaneous.	The issuing of guidance in connection with all the provisions in column 1 and the making of regulations under paragraph 6 of Schedule 19.
Part 13 (sections 150 to 156 and Schedules 20 and 21)	General exceptions.	All purposes.
Sections 157 to 159	Codes of practice and arrangements promoting equality.	
Section 160	Manx ships, aircraft and hovercraft and those employed aboard them.	
Section 161	Crown application.	
Section 163	Information society services.	
Section 164	Gender identity and expression.	
Section 165	Application of UK and European Union equality legislation.	
Section 166	Amendment of employment legislation	So far as necessary to commence paragraph 36(5) of Schedule 22 for all purposes.
Section 167	Exercise of powers to make statutory documents.	All purposes.
Section 168	Tynwald procedure for statutory documents.	
Section 169	Consequential and minor amendments	So far as necessary to commence paragraph 5 of Schedule 23 for the purpose of making subordinate legislation.
Section 171 (and Schedule 25)	Glossary.	All purposes.

SCHEDULE 2³

SCHEDULE 3⁴

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the commencement of further provisions of the Equality Act 2017.

Articles 1 and 2 deal, respectively, with the title of the Order and its interpretation.

Article 3 commences those provisions which enable the making of subordinate legislation and the issuing of guidance (and access strategies for educational establishments) under the Act. These provisions come into operation on 1st January 2018.

Article 4 commences the great majority of the provisions of the Act on 1 January 2019. The uncommenced provisions excepted from this commencement are, in the main, those connected with disability and age discrimination, both of which strands of discrimination in the Act are brought into operation by article 5 on 1 January 2020.

Also excepted from commencement by this Order are section 15 (which concerns dual discrimination), section 162 (the Tynwald Equality Consultative Committee) and associated repeals.

ENDNOTES

Table of Endnote References

¹ Art 4 revoked by SD2018/0329.

² Art 4 revoked by SD2018/0329.

³ Sch 2 revoked by SD2018/0329.

⁴ Sch 3 revoked by SD2018/0329.