



Isle of Man

Ellan Vannin

SD No. 2018/0329

**EQUALITY ACT 2017 (APPOINTED DAY)
(NO. 5) ORDER 2018**



EQUALITY ACT 2017 (APPOINTED DAY) (NO. 5) ORDER 2018

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Statutory Document No. 2018/0329



Equality Act 2017

EQUALITY ACT 2017 (APPOINTED DAY) (NO. 5) ORDER 2018

Made:

14 December 2018

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

Opening provisions

1 Title

This Order is the Equality Act 2017 (Appointed Day) (No. 5) Order 2018.

2 Interpretation

In this Order —

- (a) “**the Act**” means the Equality Act 2017;
- (b) “**the principal Order**” means the Equality Act 2017 (Appointed Day No. 3 and Transitional Provisions) Order 2017¹;
- (c) a reference to a numbered provision, without more, is a reference to the provision so numbered in the principal Order; and
- (d) a reference to subordinate legislation includes a reference to guidance and other ancillary documents.

Revocation of provisions of the principal Order

3 Revocation of articles 4 and 5

Articles 4 and 5 of the principal Order and, in consequence Schedules 2 and 3 to that Order, are revoked.

¹ SD 2017/0384.

New provision as to commencement of provisions on 1 January 2019 or 1 January 2020

4 Provisions coming into operation on 1 January 2019 or 1 January 2020

- (1) This article is subject to article 5.
- (2) Schedule 1 has effect, subject to paragraphs (4) to (6) of this article and the Schedules mentioned there, to provide for the commencement of provisions on 1 January 2019 or 1 January 2020.
- (3) In Schedule 1 —
 - (a) column 1 identifies the provision of the Act to which the entry relates;
 - (b) column 2 indicates the subject-matter of the provision;
 - (c) column 3 indicates the extent to which, or the purposes for which, the provision comes into operation on 1 January 2019; and
 - (d) column 4 indicates the extent to which, or the purposes for which, the provision comes into operation on 1 January 2020.
- (4) Schedule 2 has effect to provide for the commencement of section 166 of, and Schedule 22 to, the Act.
- (5) Schedule 3 has effect to provide for the commencement of section 169 of, and Schedule 23 to, the Act.
- (6) Schedule 4 has effect to provide for the commencement of section 170 of, and Schedule 24 to, the Act.

5 Entries in Schedules 1 to 4 about prior commencement

In each of Schedules 1 to 4, entries in italics relate to provisions commenced on the announcement of Royal Assent or by the earlier appointed day orders, that is—

- (a) the Equality Act 2017 (Appointed Day) (No. 1) Order 2017²;
- (b) the Equality Act 2017 (Appointed Day) (No. 2) Order 2017³;
- (c) the principal Order; and
- (d) the Equality Act 2017 (Appointed Day No. 4) Order 2018⁴.

6 Exceptions from the operation of article 4

- (1) For the sake of clarity, nothing in —
 - (a) article 4,
 - (b) the Schedules dependent upon provisions of that article, or

² SD 2017/0221.

³ SD 2017/0231.

⁴ SD 2018/0194.

- (c) the provisions commenced by those Schedules or amendments made by those provisions—

has effect in respect of discrimination on grounds of age or disability or imposes a duty to make reasonable adjustments, before 1 January 2020, except insofar as is necessary for the making of subordinate legislation.

- (2) Neither does anything referred to in subparagraphs (a) to (c) of paragraph (1) give rise to any entitlement framed by reference to a person's work being of equal value to that of another person before that date.

MADE 14 DECEMBER 2018

W GREENHOW
Chief Secretary

SCHEDULE 1

[Article 4(2) and 4(3)]

PROVISIONS COMMENCING ON 1 JANUARY 2019 AND 1 JANUARY 2020

1 Provisions commencing on 1 January 2019 and 1 January 2020 other than in Schedules 22 to 24 of the Act

The Table below shows the commencement of certain provisions of the Act on 1 January 2019 and 1 January 2020.⁵

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 1	Short title.	<i>Sections 1 and 2 came into operation on the announcement of Royal Assent.</i>	
Section 2	Commencement.		
Section 3	Interpretation.	For remaining purposes ⁶ .	
Section 4	References to maternity leave, etc.	For remaining purposes.	
Section 5	The protected characteristics.	For remaining purposes in respect of paragraphs (c) to (i).	For remaining purposes.
Section 6	Age.	—	For remaining purposes.
Section 7 and Schedule 1	Disability.	—	For remaining purposes.
Sections 8 to 13	The protected characteristics of gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.	For remaining purposes.	
Section 14	Direct discrimination.	For remaining purposes in respect of subsection (1) and (4) to (6).	For remaining purposes.

⁵ This paragraph is to be read subject to the following provisions of this Schedule.

⁶ Subsections (1) to (15) and (17) are already in operation.



Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 15	Combined discrimination.	<i>Not in operation, and not being commenced by this Order.</i>	
Section 16	Discrimination arising from disability.	—	For remaining purposes.
Section 17	Gender reassignment discrimination: absence from work.	For remaining purposes.	
Section 18	Pregnancy and maternity discrimination: non-work cases.	For remaining purposes.	
Section 19	Pregnancy and maternity discrimination: work cases.	For remaining purposes.	
Section 20	Indirect discrimination.	Subsections (1), (2) and (3)(c) to (h) for all remaining purposes.	For remaining purposes.
Sections 21 and 22	The duty to make reasonable adjustments and failure to comply with that duty.	—	For remaining purposes.
Section 23	Regulations as to reasonable steps to be taken.	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and the relevant entry in Schedule 1 to SD 2017/0384.</i>	
Section 24	Comparison by reference to circumstances.	Subsection (1), subject to paragraph (2) below. Subsection (3).	Subsection (1) for all remaining purposes subject to paragraph 2 below, and subsection (2)(a) for all purposes. <i>Note: subsection (2)(b) not in operation and not commenced by this Order.</i>
Section 25	Irrelevance of the alleged discriminator's characteristics.	Subsection (1) so far as it relates to the protected characteristics other than age and disability.	Subsection (1) for remaining purposes.
Section 26	References to particular strands of discrimination.	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to, SD 2017/0384.</i>	

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 27	Harassment.	For remaining purposes so far as relating to subsections (1) to (4) and (5)(c) to (g).	For all remaining purposes.
Section 28	Victimisation.	For remaining purposes.	
Section 29	Application of Part 3 (services and public functions).	For remaining purposes, except those relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 30	Provision of services etc.	Subsections (1) to (6) and (8) and (9) so far as relating to protected characteristics except those age and disability.	For all remaining purposes.

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 31 and Schedules 2 and 3	Services etc: interpretation and exceptions	<p>In section 31 subsections (1) to (6) and (8) so far as relating to the protected characteristics other than age and disability.</p> <p>In Schedule 3—</p> <p>(a) paragraphs 1 to 3 for all purposes;</p> <p>(b) paragraph 4 for all purposes;</p> <p>(c) paragraphs 7 to 9 for all purposes;</p> <p>(d) Part 3 (health and care: paragraphs 10 to 12) for all purposes;</p> <p>(e) paragraphs 15 to 17 for all purposes.</p>	<p>Section 31 for all remaining purposes.</p> <p>Schedule 2 for all purposes.</p> <p>Schedule 3 for all remaining purposes.</p>

Section 31 and Schedules 2 and 3 (continued)	Services etc: interpretation and exceptions.	(f) paragraphs 18 and 21 for all purposes so far as relating to protected characteristics other than age or disability; (g) Part 6 (marriage: paragraphs 22 and 23) for all purposes; (h) paragraphs 24 to 28 for all purposes; (i) paragraph 29 for all purposes so far as relating to protected characteristics other than age or disability; (j) paragraph 33 for all purposes; (k) paragraph 37 for all purposes.	
Sections 32 to 35.	Premises (application of Part 4), disposals and permission for disposal and management)	For all purposes except those relating to the protected characteristic of disability ⁷ .	For all remaining purposes.
Section 36	Leasehold and common parts	—	For all remaining purposes.
Section 37 and Schedules 4 and 5	Interpretation and exceptions	Section 37(1) to (5) and (7) for all remaining purposes. In Schedule 5, paragraphs 1,3 and 5	Section 37 for all remaining purposes. Schedule 4 for all purposes. Schedule 5 for all remaining purposes

⁷ The Part does not apply to age by virtue of section 32(1)(a).

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 38	Employees and applicants	Subsections (1) to (4) and (6) to (8) for all remaining purposes so far as relating to protected characteristics other than age and disability.	For all remaining purposes.
Section 39	Employees and applicants: harassment	For all remaining purposes.	
Section 40	Contract workers	Subsections (1) to (3) and (5) to (7) for all remaining purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 41	Police	For all remaining purposes.	
Section 42	Partnerships	Subsections (1) to (6) and (8), for all remaining purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 43	Limited liability companies under the Limited Liability Companies Act 1996	For all remaining purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 44	Personal offices: appointments etc	Subsections (1) to (8) and (10) to (12) for all remaining purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 45	Public offices: appointments etc	Subsections (1) to (10) and (12) for all remaining purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 46	Public offices recommendations for appointments etc.	Subsections (1) to (3) and (5) for all purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 47 and Schedule 6	Interpretation and exceptions	For all remaining purposes.	
Section 48	Qualification bodies	Subsections (1) to (5) and (8) to (11), except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 49	Employment service-providers	Subsections (1) to (5) and (8) to (12) except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 50	Trade organisations	Subsections (1) to (5) and (7) except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 51	Official business of local authority members	Subsections (1) to (5) and (7) except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 52	Enquiries about disability and health	–	For all remaining purposes.
Section 53	Non-discrimination rule	Subsections (1) to (10) except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 54	Non-discrimination alterations	For purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 55	Communications	–	For all remaining purposes.
Section 56	Relevant types of work	For all purposes other than those relating to the concept of work of equal value (see section 57(1)(c) and (6)).	For all remaining purposes.
Section 57	Equal work	For all remaining purposes so far as relating to paragraphs (a) and (b) of subsection (1) and subsections (2) to (5) insofar as they relate to those paragraphs.	For all remaining purposes.
Section 58	Sex equality clause	For all remaining purposes other than those relating to the concept of work of equal value.	For all remaining purposes.
Section 59	Sex equality rule — occupational pension schemes.	For all remaining purposes other than those relating to the concept of work of equal value.	For all remaining purposes.
Section 60	Sex equality rule: consequential alteration of schemes.	For all remaining purposes other than those relating to the concept of work of equal value.	For all remaining purposes.
Section 61	Defence of material factor	For all remaining purposes other than those relating to the concept of work of equal value.	For all remaining purposes.
Section 62	Exclusion of sex discrimination provisions	For all remaining purposes.	
Section 63	Sex discrimination in relation to contractual pay		For all remaining purposes, but subject to paragraph 3 below.
Sections 64 to 68	Pregnancy and maternity equality	For all remaining purposes.	
Sections 69 and 70	Disclosure of information	For all remaining purposes.	
Section 71	Comparators	For all remaining purposes.	

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Section 72 and Schedule 7	Interpretation and exceptions	For all remaining purposes.	
Section 73	Offshore work	<i>Came into operation for all purposes on 1 January 2018.</i>	
Section 74	International pension arrangements	<i>Came into operation for all purposes on 1 January 2018.</i>	
Section 75 and Schedules 8 and 9	Interpretation and exceptions for Part 5	Subsections (1) to (5) for all remaining purposes. Subsection (7) so far as relating to Schedule 9, Parts 1 and 3 other than paragraph 15(1) to (3). ⁸	Subsection (6) and Schedule 8 for all purposes Subsection (7) and Schedule 9, Part 2 for all remaining purposes.
Section 76	Application of Division 1 of Part 6	For all remaining purposes.	
Section 77	Pupils: admission and treatment etc.	Subsections (1) to (5), (7) and (8) except so far as relating to the protected characteristic of disability.	For all remaining purposes.
Section 78	Victimisation of pupils etc.	For all remaining purposes.	
Section 79 and Schedule 10	Disabled pupils: accessibility		For all remaining purposes.
Section 80 and Schedule 11	Interpretation and exceptions	Section 80 and Schedule 11, Part 1 for all remaining purposes.	For all remaining purposes.
Section 81	Students: admission and treatment etc	Section 81(1) to (3),(6)(a) and (b), (7) and (8) for all remaining purposes, except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.

⁸ The excepted provisions in paragraph 15 of Schedule 9 are not being commenced because the corresponding provisions in the UK were found to be incompatible with the Convention rights.

Section 82	Further and higher education courses	Subsections (1) to (6), (8) and (9) for all remaining purposes except so far as relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 83 and Schedule 12	Disabled students at further and higher education institutions: accessibility	-	For all remaining purposes.
Section 84	Recreational or training facilities	Subsections (1) to (5) and (7) to (9) for all remaining purposes except so far as relating to the protected characteristics of age and disability.	For remaining purposes.
Section 85 and Schedule 13	Interpretation and exceptions	Section 85 for all remaining purposes. For all purposes relating to Schedule 13 paragraphs 1 to 3.	Schedule 13 for all remaining purposes.
Section 86	Application of this Division	For all remaining purposes.	-
Section 87	Qualifications bodies	For the purposes of subsections (1) to (5) except so far as relating to age and disability.	For all remaining purposes.
Section 88	Interpretation	For all remaining purposes.	
Section 89 and Schedule 14	Reasonable adjustments	--	For remaining purposes.
Section 90	Educational charities	<i>Came into operation for all purposes on 1 January 2018.</i>	
Section 91 to 93 ⁹	Associations, members and associates and guests.	For all purposes except those relating to the protected characteristics of age and disability.	For all remaining purposes.

Section 94	Sections 92 and 93: further provisions	--	For all remaining purposes.
Section 95 Schedule 15 and Schedule 16	Interpretation, reasonable adjustments and exceptions for the purposes of Part 7. Reasonable adjustments. Exceptions	Subsections (1) to (6) and (8) for all purposes. --- For the purposes of paragraphs 1 and 3 of Schedule 16.	For all remaining purposes.
Section 96	Relationships that have ended	Subsections (1) to (3), (6) and (7) for all purposes except those relating to the protected characteristics of age and disability.	For all remaining purposes.
Sections 97 to 100	Prohibited conduct: liability of employers, principals, employees and agents and conduct ancillary to contraventions	Sections 97 to 99, and 100(1) to (5) for all purposes except those relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 101	Enforcement: proceedings	For all remaining purposes except those relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 102	Definitions relating to the Employment and Equality Tribunal	For all purposes.	
Section 103	The Employment and Equality Tribunal	For all purposes other than those relating to the protected characteristics of age and disability, but subject to paragraph 4 of this Schedule	For all remaining purposes, but subject to paragraph 4 of this Schedule.
Section 104 to 109 and Schedules 17 and 18	The Employment and Equality Tribunal: conciliation, jurisdiction in goods and services cases, immigration and education cases.	For all purposes relating to the provisions in column 1 other than section 109(8)(a).	For all remaining purposes.

Sections 110 to 120	Jurisdiction etc of the Tribunal in work cases	For all purposes except those relating to the concept of work of equal value in relation to sections 112, 118 and 119.	For all remaining purposes.
Section 121	Assessment of whether work is of equal value	—	For all remaining purposes.
Section 122	Remedies in non-pensions cases	For all purposes other than those relating to the concept of work of equal value.	For all remaining purposes.
Sections 123 to 136	Provisions in respect of remedies, appeals and miscellaneous matters relating to Tribunal proceedings	For all purposes except those relating to the concept of work of equal value in sections 123 and 124, and to the protected characteristics of age and disability and the concept of work of equal value in section 127.	For all remaining purposes.
Sections 137 and 138	Contracts etc and unenforceable terms	For all purposes other than those relating to the protected characteristics of age and disability.	For all remaining purposes.
Section 139	Contracting out	For all purposes, except those relating to the concept of work of equal value.	For all remaining purposes.
Sections 140 and 141	Void and unenforceable terms etc.	For all remaining purposes.	
Section 142	Interpretation for Part 10	For all remaining purposes.	
Sections 143 to 145	Advancement of equality: public sector equality duty	For all remaining purposes.	
Sections 146 and 147	Advancement of equality: positive action	For all purposes other than those relating to the protected characteristics of age and disability and the concept of work of equal value.	For all remaining purposes.

Part 12 (sections 148 and 149, and Schedule 19).	Disability: miscellaneous	–	For all remaining purposes
Part 13 (sections 150 to 156 and Schedules 20 and 21)	General exceptions	<i>These provisions came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	
Sections 157 to 159	Codes of practice and arrangements promoting equality.	<i>These provisions came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	
Section 160	Manx ships, aircraft and hovercraft and those employed aboard them.	<i>This provision came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to, SD 2017/0384. The section is subject to the transitional provision in paragraph 5 of this Schedule.</i>	
Section 161	Crown application	<i>This provision came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	
Section 162	Tynwald Equality Consultative Council	-	-
Section 163	Information society services	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	
Section 164	Gender identity and expression.	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	
Section 165	Application of UK and European Union equality legislation		
Section 166	Employment legislation amended	<i>See Schedule 2 below.</i>	
Section 167	Exercise of powers to make statutory documents.	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	
Section 168	Tynwald procedure for statutory documents	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384. See Schedule 3 below.</i>	
Section 169	Consequential and minor amendments		
Section 170	Repeals	<i>See Schedule 4 below.</i>	
Section 171 and Schedule 25	Glossary	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3 of, and Schedule 1 to SD 2017/0384.</i>	

2 Transitional modification of section 24

Until section 15 (dual discrimination) comes into operation, in section 24(1) omit “15” (and the comma preceding it).

3 Transitional modification of section 63

Until section 15 comes into operation, omit the words in section 63(2) following “(direct discrimination)”.

4 Transitional modification of section 103

(1) Until the repeal of section 159 of the Employment Act 2006 (enforcement of awards etc, of Tribunal) comes into operation —

- (a) section 103 is modified in accordance with subparagraph (2); and
- (b) section 159 of that Act is modified in accordance with subparagraph (2).

(2) In section 103(2)—

- (a) in paragraph (a), for “section 156” substitute “sections 156 and 159”; and
- (b) at the end insert—
“(c) for section 159 there is substituted—

159 Enforcement of awards etc. of the Employment and Equality Tribunal

Where on any appeal, reference or complaint, or in any other proceedings, under the *Redundancy Payments Act 1990*, the *Shops Act 2000*, the *Minimum Wage Act 2001*, this Act or the *Equality Act 2017*, the Employment and Equality Tribunal—

- (a) determines that any party to the proceedings is entitled to be paid any sum by any other such party,
- (b) orders any such party to pay or repay any sum to another such party, or
- (c) makes an award of compensation,

the Tribunal may grant execution for the sum or the amount of the award, as the case requires. **22**.

5 Transitional provision for the purposes of section 160

- (1) Until the coming into operation of the first order under section 160, a person employed aboard a Manx ship, aircraft or hovercraft shall continue to enjoy the same rights as he or she would have done under the enactments specified in subparagraphs (2) and (3).
- (2) The rights specified in this subparagraph are those conferred by virtue of sections 49 and 50 of the *Employment (Sex Discrimination) Act 2000*.
- (3) The rights specified in this subparagraph are those conferred by the following provisions of the *Employment Act 2006*—
 - (a) section 125 (racial discrimination and dismissal);
 - (b) section 126 (religious discrimination and dismissal);
 - (c) section 127 (dismissal on ground of sexual orientation);
 - (d) subsections (12) to (14) of section 128 (redundancy on grounds of racial discrimination, religious discrimination and sexual orientation discrimination); and
 - (e) section 132 (disapplication of qualifying period and upper age limit in complaints of unfair dismissal on grounds of racial discrimination, religious discrimination and sexual orientation discrimination);as read with Schedule 4 to that Act.

SCHEDULE 2

[Article 4(4)]

COMMENCEMENT OF PROVISIONS OF SCHEDULE 22**1 Commencement of provisions of Schedule 22 to the Act**

- (1) The Table below shows the commencement of the provisions of Schedule 22 to the Act.



- (2) Section 166 comes into operation so far as is necessary to commence each provision of Schedule 22 in accordance with the Table below.

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Paragraph 1	Amendment of the Employment Act 2006	<i>Comes into operation of various dates in order to give effect to the substantive amendments by the subsequent paragraphs of Part 1</i>	
Paragraph 2	Right of appeal: section 1 amended	For all purposes other than those relating to the protected characteristics of age and disability	For all remaining purposes
Paragraph 3	Supplementary provisions about statements under section 8: section 9 amended	<i>Came into operation on 1 January 2018 by virtue of articles 3(2) and 7 of SD 2017/0221.</i>	
Paragraph 4	References to and determination by the Tribunal: section 17 amended		
Paragraph 5	Tribunal's duties in cases other than section 17 cases: section 18 amended		
Paragraph 6	Complaints to Tribunal: section 25 amended		
Paragraph 7	Flexible working: section 66 amended	—	For all purposes.
Paragraph 8	Remedies in detriment cases: section 72 amended	<i>Came into operation on 1 January 2018 by virtue of articles 3(2) and 7 of SD 2017/0221.</i>	
Paragraph 9	Conditions for right to request flexible working: section 99 amended	—	For all purposes

Paragraph 10	Employer's duties on application under section 99: section 100 amended	—	For all purposes
Paragraph 11	Complaints to Tribunal: section 101 amended	—	For all purposes
Paragraph 12	Interpretation of Part VIII: section 105 amended	<i>Came into operation on 1 January 2018 by virtue of articles 3(2) and 7 of SD 2017/0221.</i>	
Paragraph 13	Right of employee in notice period		
Paragraph 14	Dismissal on grounds of protected characteristic or spent conviction: sections 124A and 124B inserted	For the purposes of inserting section 124A so far as it relates to the protected characteristics other than age and disability. <i>Came into operation on 1 January 2018 to the extent that it inserted section 124B into the Employment Act 2006 by virtue of articles 3(2) and 7 of SD 0217/0221.</i> See also paragraph 2 below.	For all remaining purposes
Paragraph 15	Dismissal on grounds of redundancy: section 128 amended	For the purposes of inserting section subsection 11A so far as it relates to the protected characteristics of age and disability. <i>Came into operation on 1 January 2018 in respect of the insertions of subsections (11B) and (11C) of section 128 of the Employment Act 2006 by virtue of by virtue of articles 3(2) and 7 of SD 0217/0221.</i>	For all remaining purposes

		<i>See also paragraph 3 of this Schedule for transitional modification of section 128.</i>	
Paragraph 16	Selective dismissal or re-engagement arising out of industrial action: jurisdiction of Tribunal – section 130 amended	Subparagraph (b) for all purposes. <i>Subparagraph (a) came into operation on 1 January 2018 by virtue of articles 3(2) and 7 of SD 2017/0221.</i> <i>See also paragraph 4 of this Schedule for transitional modification of section 130</i>	
Paragraph 17	Qualifying period, upper age limit etc: section 132 amended	Subparagraph (3) to the extent that it inserts paragraph (ka) into section 132(2) of the Employment Act 2006, and subparagraph (1) so far as relevant to that insertion. <i>Subparagraph (3) to the extent that it inserted paragraph (kb) into section 132(2) of the Employment Act 2006 and subparagraph (4), and subparagraph (1) so far as it related to those provisions came into operation on 1 January 2018 by virtue of articles 3(2) and 7) of SD 2017/0221.</i> <i>See also paragraph 5 of this Schedule for transitional modification of section 132 of the Employment Act</i>	For all remaining purposes.

		2006.	
Paragraph 18	Compensation for unfair dismissal: section 140 amended		For all purposes
Paragraph 19	Calculation of basic award: section 142 amended		For all purposes
Paragraph 20	Limit of compensatory award etc: section 144 amended	For all purposes	
Paragraph 21	Acts which are both unfair dismissal and discrimination: section 145 amended.	For all purposes other than those of discrimination on grounds of age or disability	For all remaining purposes.
Paragraph 22	Insolvency of employer: section 147 amended.	<i>Provisions came into operation for all purposes on 20 July 2017 by virtue of articles 3(1) and 4 of SD 2017/0221.</i>	
Paragraph 23	Cessation of business of employer: section 148 amended		
Paragraph 24	Payment of unpaid contributions to occupational pension scheme: section 149 amended.		
Paragraph 25	Subrogation of the Treasury		
Paragraph 26	Restrictions on contracting-out: section 164 amended.	For all purposes	
Paragraph 27	Regulation of zero-hours contracts: new section 166A.	<i>Came into operation for all purposes on 1 January 2018 by virtue of article 3(2) and 7 of SD 2017/0221</i>	
Paragraph 28	Codes of practice: section 171 amended.	For all purposes.	

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Paragraph 29	General interpretation: section 173 amended	<p><i>Subparagraph (1) came into operation —</i></p> <p><i>(a) on 20 July 2017 for the purposes of the commencement of subparagraphs (2)(a) and (c) and (3) by virtue of articles 3(1) and 4 of SD 2017/0221; and</i></p> <p><i>(b) on 18 August 2017 for the purposes of subparagraph (4) by virtue of article 2 of SD 2017/0231.</i></p> <p><i>The subparagraphs mentioned in paragraphs (a) and (b) of this entry came into operation on the dates mentioned.</i></p>	
		Subparagraph (1), so far as it relates to sub paragraph (2)(b) and (d), and those provisions.	
Paragraph 30	Subordinate legislation: general provisions: section 174 amended	Came into operation for all purposes on 20 July 2017 by virtue of articles 3(1) and 4 of SD 2017/0221.	
Paragraph 31	Tribunal’s duties in cases other than section 17: Schedule 1 amended	For all purposes other than those of the protected characteristic of age and disability	For all remaining purposes
Paragraph 32	Treatment of special categories of worker: Schedule 4 amended	Came into operation for all purposes on 20 July 2017 by virtue of articles 3(1) and 4 of SD 2017/0221	
Paragraph 33	Computation of period of employment: Schedule 5 amended	<p><i>Subparagraphs (5) and (6) came into operation on 20 July 2017 by virtue of articles 3(1) and (4,) and the remainder of the paragraph on 18 August 2017 by virtue of article 2 of SD 2017/0231: subparagraph (1) came into operation so far as necessary to give effect to the remaining provisions coming into operation on those dates.</i></p>	
Paragraph 34	Calculation of normal working hours and a week’s pay: Schedule 6 amended	Came into operation for all purposes on 20 July 2017 by virtue of articles 3(1) and 4 of SD 2017/0221.	

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Paragraph 35	Redundancy Payments Act 1990 amended	<i>Came into operation for the purposes of subparagraphs (2) to (8) and (11), and subparagraph (1) so far as relating to those provisions on 20 July 2017 by virtue of articles 3(1) and 4 of SD 2017/0221.</i>	
		For the purposes of subparagraph (9) and subparagraph (1) so far as relating to that paragraph .	For all other purposes
Paragraph 36	Shops Act 2000 amended	<i>Subparagraphs (2), (5) and (6) came into operation on 1 January 2018, together with subparagraph (1) so far as relating to those provisions.</i>	
		Subparagraphs (4) and (7) and subparagraph (1) so far as relating to those provisions	All remaining purposes.
Paragraph 37	Minimum Wage Act 2001 amended	<i>Subparagraphs (2) to (4) came into operation on 1 January 2018 and subparagraph (1) so far as relating to those provisions by virtue of articles 3(2) and 7 of SD 2017/0221.</i>	
		Subparagraph (5) and subparagraph (1) so far as relating to that subparagraph.	All remaining purposes.
Paragraph 38	Control of Employment Act 2014 amended	<i>The paragraph came into operation on 20 July 2017 by virtue of articles 3(1) and 4 of SD 2017/0221.</i>	

2 Transitional modification of section 124A of the Employment Act 2006

On and after 1 January 2019, until the coming into operation of section 124A of the Employment Act 2006 for all purposes, that section is modified by the insertion, at the end, of –

☒ For the sake of clarity, the reference to discrimination does not include discrimination on grounds of age or disability. ☒.

3 Transitional modification of section 128 of the Employment Act 2006

On and after 1 January 2019 until the coming into operation of section 124A of the Employment Act 2006 for all purposes, section 128(11A) is to be treated as modified by the insertion at the end of subsection (11A) of —

☒ For the sake of clarity, references to discrimination do not include discrimination on grounds of age or disability. ☒.

4 Transitional modification of section 130 of the Employment Act 2006

On and after 1 January 2019 until the coming into operation of section 124A of the Employment Act 2006 for all purposes, section 130 of that Act is to be treated as modified by the insertion at the end of subsection (5) of —

☒ For the sake of clarity, references to discrimination in section 124A do not include discrimination on grounds of age or disability. ☒.

5 Transitional modification of section 132 of the Employment Act 2006

On and after 1 January 2019 until the coming into operation of paragraph (ka) of section 132(2) of the Employment Act 2006 for all purposes, section 132 of that Act is to be treated as modified by the insertion at the end of subsection (2) of —

☒ For the sake of clarity, “protected characteristic” in paragraph (ka) does not include age or disability. ☒.

6 Transitional modification of section 159

See the text of the transitional modifications to this section set out in paragraph 4 of Schedule 1 to this Order.

SCHEDULE 3

COMMENCEMENT OF PROVISIONS OF SCHEDULE 23 TO THE ACT

[Article 4(5)]

1 Commencement of provisions of Schedule 23

The provisions of Schedule 23 come into operation in accordance with the Table below, subject to paragraph 2 of this Schedule.

Provision	Description	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
Paragraph 1	Amendment of the Douglas Municipal Corporation Act 1895	<i>These paragraphs came into operation on 20 July 2017 by virtue of article 5 of SD 2017/0221.</i>	
Paragraph 2	Amendment of the Housing (Miscellaneous Provisions) Act 1976		
Paragraph 3	Amendment of the Marriage Act 1984		
Paragraph 4	Amendment of the Licensing Act 1995	For all purposes other than those relating to the protected characteristics of discrimination relating to age or disability.	For all remaining purposes.
Paragraph 5	Amendment of the Road Transport Act 2001	<i>This paragraph came into operation for the purposes of making subordinate legislation (and guidance) on 1 January 2018 by virtue of article 3 of SD 2017/0384.</i>	

Paragraph 6	Amendment of the Construction Contracts Act 2004	<i>Came into operation for all purposes on 20 July 2017 by virtue of article 5 of SD 2017/ 0221</i>	
Paragraph 7	Amendment of the Tribunals Act 2006	For all purposes.	
Paragraph 8	Amendment of the Civil Partnership Act 2011	<i>These paragraphs came into operation for all purposes on 20 July 2017 by virtue of article 5 of SD 2017/0221.</i>	
Paragraph 9	Amendment of the Social Services Act 2011		
Paragraph 10	Regulation of Care Act 2013		

2 Transitional modification of section 35(2A) of the Licensing Act 1995

Until 1 January 2020 at the end of the inserted subsection (2A) of section 35 of the Licensing Act 2015 (which subsection is inserted by paragraph 4 of Schedule 23 to the Act, to which the entry in the Table in this Schedule refers) add—

“Here references to discrimination do not include discrimination on grounds of age or disability.”

SCHEDULE 4

COMMENCEMENT OF SCHEDULE 24 TO THE ACT

[Article 4(6)]

1 Commencement of repeals contained in paragraph 1

In the table below a reference to a lettered subparagraph is a reference to the subparagraph of paragraph 1 of Schedule 24 to the Act bearing that number.

Lettered subparagraph	Provision	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
(a)	Factories and Workshops Act 1919, sections 12, 14 to 17 and 18(1)	<i>These provisions came into operation on 20 July 2017 by virtue of article 6 of SD 2017/0221.</i>	
(b)	Sex Disqualification (Removal) Act 1921		
(c)	Factories and Workshops Amendment Act 1939, s. 3	<i>This provision is not to be commenced.</i>	
(d)	Disabled Persons (Employment) Act 1946	<i>These provisions came into operation on 20 July 2017 by virtue of article 6 of SD 2017/0221.</i>	
(e)	Employment Act 1954		
(f)	Chronically Sick and Disabled Persons Act 1981	<i>This paragraph came into operation on 30 June 2018 for the purposes of the repeal of section 9 and the definition of “the Advisory Council” in section 16 by virtue of article 2 of SD 2018/0194.</i>	For all other purposes.

(g)	The following provisions of the Redundancy Payments Act 1990— (i) section 2(1) (ii) section 13 (iii) paragraphs 2 and 4 of Schedule 1; (iv) paragraphs 2 and 9 of Schedule 2.	—	For all purposes.
(h)	Chronically Sick and Disabled Persons (Amendment) Act 1992	<i>This paragraph came into operation on 30 June 2018 to repeal section 4.</i>	For all remaining purposes.
(i)	Employment (Sex Discrimination) Act 2000	For all purposes.	
(j)	Minimum Wage Act 2001, s. 43(2)(b)	<i>This paragraph came into operation on 20 June 2017 for all purposes.</i>	
(k)	Race Relations Act 2004	For all purposes.	
(l)	Disability Discrimination Act 2006	<i>This paragraph came into operation on 30 June 2018 to the extent necessary to repeal paragraphs 2, 3, 4 and 6 of Schedule 5 to the Act.</i>	For all remaining purposes.

Lettered subparagraph	Provision repealed	Coming into operation on 1 January 2019	Coming into operation on 1 January 2020
(m) so far as concerning the following heads—	In the Employment Act 2006—		
(i) to (iii)	(a) sections 100(2) to (4), 101(4) and 122(b);	—	For all purposes.
(iv) to (vi)	(b) sections 125 to 127, 128(12) to (14) and paragraphs (l) to (n) of section 132(2);	For all purposes.	
(vii)	(c) section 142(3) and (4);	—	For all purposes.
(viii)	(d) section 172;	<i>Repeal effective for all purposes on 20 June 2017.</i>	
(ix)	(e) paragraph 14(2)(b) in Schedule 5;	For all purposes.	
(x)	(f) paragraphs 14 to 19 of Schedule 7.	<i>Repeal effective for all purposes on 20 June 2017.</i>	
(n)	Gender Recognition Act 2009, section 9	For all purposes.	
(o)	Breastfeeding Act 2011	For all purposes.	
(p)	Bribery Act 2013, section 13(4) and (5)	<i>These repeals effective for all purposes on 20 June 2017.</i>	
(q)	Regulation of Care Act 2013 section 165(3)		

2 Paragraph 2 of Schedule 24

Paragraph 2 of Schedule 24 was brought into operation on 20 July 2017 by article 6 of the Equality Act 2017 (Appointed Day) (No. 1) Order 2017.

3 Commencement of section 170

Section 170 comes into operation at the times specified in paragraphs 1 and 2 of this Schedule so as to give effect to the repeals and savings set out in them.

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order replaces the provision made by the Equality Act 2017 (Appointed Day No. 3 and Transitional Provisions) Order 2017 (SD 2017/0384: “the principal Order”) so far as provisions commencing on 1 January 2019 and 1 January 2020.

Article 1 deals with the title of the Order and article 2 with the interpretation of terms used in it. “The Act” in this Order, and in this Note means the Equality Act 2017 (AT 5 of 2017).

Article 3 revokes articles 4 and 5 of, and Schedules 2 and 3 to, the principal Order.

Article 4 gives effect to Schedules 1 to 4 of the current Order and contains a declaratory provision on the effect of the Order, those Schedules and the provisions commenced by them in relation to discrimination on grounds of age and disability or in respect of the concept of work of equal value (in relation to which the provisions of the Act commence on 1 January 2020 for all purposes).

Article 5 explains the status of italic entries in the Schedules. These relate to provisions commenced previously or to provisions which are not to be commenced.

Article 6 makes it clear that nothing in article 4 or the Schedules dependent upon it applies in the case of the protected characteristics of age or disability or in relation to work of equal value before 1 January 2020.

Schedule 1 contains the major part of the commencement provisions but Schedules 2, 3 and 4 deal specifically with the commencement of the provisions of Schedules 22, 23 and 24 to the Act. These deal respectively with amendments to employment law, consequential amendments flowing from the main provisions of the Act and repeals.