

The Equality Act (Sexual Orientation) Regulations 2007

Widespread concerns have been expressed about the speed that the Government pushed the Regulations through the House of Commons. Many MPs have raised points of order.

The enabling clause in the Equality Bill

The enabling Clauses for the regulations (what became sections 81 and 82 of the Equality Act) were introduced at Third Reading in the Lords. There was no division (9th November 2005).

Baroness O’Cathain, Baroness Miller, The Bishop of Newcastle, and Lord Stoddart, Earl Ferrers, Lord Waddington and Lord Mackay all expressed concerns over the protection of religious liberties under regulations. Baroness O’Cathain passed on specific concerns of the Bishop of Winchester that allowing such laws to be passed via secondary legislation would lead to insufficient parliamentary scrutiny.

There was no division on the Clause at any of the Commons stages.

The Parliamentary timetable of the Regulations

7 March	Laid
8 March	Withdrawn and Re-laid
13 March	Merits Committee met
14 March	Withdrawn and Re-laid again
14 March	JCSI met
15 March	Delegated Legislation Committee met

Within the space of a week three different versions of the Regulations were laid in order to make corrections.

As the regulations state in the preamble, they were first laid on 7 March 2007. Having been withdrawn, they were re-laid on 8 March 2007, and then were withdrawn again, only to be re-laid on 14 March 2007¹.

The Lords **Merits Committee** published a report on the regulations on 15 March 2007, having had to “expedite consideration” which “prevented the usual period for receiving evidence”². The Committee met on 13 March 2007. (Presumably they had access to the final version). The Committee drew the special attention of the House to the Regulations.

The **Joint Committee on Statutory Instruments** met to consider the regulations on 14 March 2007³ and cleared the regulations. Their report was published on 20 March 2007.⁴

The Commons **Delegated Legislation Committee** met on 15 March 2007. At least one member of the committee, David Burrowes MP, was only formally informed at 17.49 the previous evening that he was supposed to be attending.⁵ Despite such short notice, 24 MPs who were not on the committee also attended, showing the degree of controversy surrounding this issue. However, there was no opportunity for members of the public to make representations to members of the committee. The committee lasted only one and a half hours, and the fact that time to debate the regulations was so restricted, and that they could not be amended, was frequently referred to and complained about by those attending.

¹ The regulations went up on the website on 14 March, but the Merits Committee report states that they had been withdrawn and re-laid twice by 13 March (when the Committee met).

² 14th Report, page 4, para. 14

³ House of Commons, Hansard, 15 March 2007, col. 4

⁴ HL Paper 71, HC 82-xii

⁵ House of Commons, Hansard, 15 March 2007, col. 3