

ANNEX B

[49A General duty]

[(1) Every public authority shall in carrying out its functions have due regard to—

- (a) the need to eliminate [unlawful discrimination and victimisation];
- (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
- (c) the need to promote equality of opportunity between disabled persons and other persons;
- (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- (e) the need to promote positive attitudes towards disabled persons; and
- (f) the need to encourage participation by disabled persons in public life.

(2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any [provision of the *Equality Act 2010* ("the 2010 Act"), so far as relating to disability].]

[(3) In this section—

- (a) "discrimination" means disability discrimination within the meaning of sections 25(2) (a), (b) and (d) of the 2010 Act;
- (b) "disability" and "disabled person" each have the same meaning as in section 6 of the 2010 Act; and
- (c) "victimisation" means victimisation within the meaning of section 27 of that Act where the protected act in question relates to disability.]