

Equality Briefing: Legal Status of Gypsies and Travellers Ethnic Group under the Equality Act 2010

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Extract:

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3. Racial discrimination
3.1 The Equality Act 2010

The *Equality Act 2010* prohibits discrimination, harassment and victimisation against persons with “protected characteristics”. Race is a protected characteristic¹. Some Gypsy and Traveller groups are protected by the Act’s prohibition against race discrimination.

In *Moore & Anor v Secretary of State for Communities and Local Government* [2015] EWHC 44, the High Court noted that:

by virtue of section 9(4) of Equality Act 2010, Romany Gypsies and Irish Travellers, each a distinct racial group, form a racial group for the purposes of section 9 of the Act.²

In fact, Romany Gypsies³, Scottish Travellers⁴ and Irish Travellers⁵ have all been declared by the courts to be protected as “races” under the *Equality Act 2010*. However, at least two Traveller groups fall outside of these definitions and may therefore not be protected against discrimination: showpeople and New (or New Age) Travellers.

Roma are also an ‘ethnic group’ in terms of the law, and therefore protected by equality legislation. The word Roma is used as an umbrella term for several distinct ethnic groups of people, including Roma, Manouche, and Sinti, among others.

In addition to the Act’s prohibition of discrimination, [section 149](#) of the Act provides that public authorities are, in the exercise of their functions, required to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons with protected characteristics and those that do not share them. As such, where exercising relevant functions (e.g. planning decisions), public authorities are required to have due regard to this duty⁶.

¹ *Equality Act 2010, ss.4 & 9*

² *Para 58*

³ *CRE v Dutton [1983] 2 AC 548*

⁴ *McClellan v Gypsy Traveller Education Information Project (2008) 23 June, unreported (case no. S/132721/07)*

⁵ *P O’Leary and others v Allied Domecq and others (2000) 29 August, unreported, Central London County Court, HHJ Goldstein.*

⁶ *For further information on the equality duty, see Commons Library briefing paper: [The Public Sector Equality Duty and Equality Impact Assessments \(SN06591\)](#)*