Equality Act 2010

2010 CHAPTER 15

An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes. [8th April 2010]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act applied (30.9.2020) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(2)(b), **4(2)**

C2 Act applied by S.I. 1993/1813, **art. 4(1C)** (as amended (30.9.2020) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), arts. 1(2), **3**)

C3 Act applied by S.I. 1994/1405, **art. 4(1A)** (as amended (30.9.2020) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), arts. 1(2), **9(3)**)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 1

SOCIO-ECONOMIC INEQUALITIES

1 Public sector duty regarding socio-economic inequalities

(1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

(2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued **[**[F1]in accordance with subsection (2A)**]**.

[[F2](2A) The guidance to be taken into account under subsection (2) is—

(a) in the case of a duty imposed on an authority in relation to devolved Scottish functions, guidance issued by the Scottish Ministers;

[[F3](aa) in the case of a duty imposed on an authority in relation to devolved Welsh functions, guidance issued by the Welsh Ministers;**]**

(b) in any other case, guidance issued by a Minister of the Crown.**]**

[[F4](3) The authorities to which this section applies are—

(a) the Scottish Ministers;

(b) Food Standards Scotland;

(c) Keeper of the Registers of Scotland;

(d) National Records of Scotland;

(e) Revenue Scotland;

(f) Scottish Courts and Tribunals Service;

(g) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(h) an integration joint board established under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014;

(i) a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978;

(j) a Special Health Board constituted under section 2(1)(b) of that Act;

(k) Scottish Police Authority;

(l) Highlands and Islands Enterprise;

(m) Scottish Enterprise.**]**

[F9](4) . . . . . .

[F10](5) . . . . . .

(6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration and Asylum Act 1999.

Textual Amendments

F1 Words in s. 1(2) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(3)**, 72(7)

F2 S. 1(2A) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(4)**, 72(7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F3 S. 1(2A)(aa) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 45(2)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F4 S. 1(3) substituted (S.) (1.4.2018) by The Equality Act 2010 (Authorities subject to the Socio-economic Inequality Duty) (Scotland) Regulations 2018 (S.S.I. 2018/101), regs. 1, **2(2)**

F5 S. 1(3)(h) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 55(2), **Sch. 5 para. 181(a)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

F6 S. 1(3)(i) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 55(2), **Sch. 5 para. 181(b)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

F7 S. 1(3)(j) repealed (1.7.2012 at 0.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 30(3), **Sch. 6**; S.I. 2012/1662, **art. 2(2)(b)**

F8 Words in s. 1(3)(k) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 99, **Sch. 16 para. 381**; S.I. 2012/2892, **art. 2(a)(i)**

F9 S. 1(4) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 100(2)(g)**, 115(3)(k)

F10 S. 1(5) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 100(2)(g)**, 115(3)(k)

Commencement Information

I1 S. 1(1)-(3)(6) in force at 1.4.2018 for S. by S.S.I. 2017/403, art. 2(1)(a)(2) [Editorial note: art. 2(2) of the commencement order provides that, for the avoidance of doubt, s. 1(3) is commenced as originally enacted]

2 Power to amend section 1

(1) A Minister of the Crown may by regulations amend section 1 so as to—

(a) add a public authority to the authorities that are subject to the duty under subsection (1) of that section;

(b) remove an authority from those that are subject to the duty;

(c) make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;

(d) in the case of an authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.

(2) In subsection (1) "public authority" means an authority that has functions of a public nature.

(3) Provision made under subsection (1) may not impose a duty on an authority in relation to any devolved Scottish functions or devolved Welsh functions.

(4) The Scottish Ministers or the Welsh Ministers may by regulations amend section 1 so as to—

(a) add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;

(b) remove a relevant authority from those that are subject to the duty;

(c) make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;

(d) in the case of a relevant authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.

(5) For the purposes of the power conferred by subsection (4) on the Scottish Ministers, "relevant authority" means an authority whose functions—

(a) are exercisable only in or as regards Scotland,

(b) are wholly or mainly devolved Scottish functions, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) correspond or are similar to those of an authority for the time being specified in section 1(3).

(6) For the purposes of the power conferred by subsection (4) on the Welsh Ministers, "relevant authority" means **[**[F11]a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond**]** or are similar to those of an authority for the time being specified in subsection (3) of section 1 or referred to in subsection (4) of that section.

[F12](7) . . . . . .

(8) Regulations under this section may make any amendments of section 1 that appear to the Minister or Ministers to be necessary or expedient in consequence of provision made under subsection (1) or (as the case may be) subsection (4).

[F13](9) . . . . . .

[F14](10) . . . . . .

(11) For the purposes of this **[**[F15]Part**]**—

(a) a function is a devolved Scottish function if it is exercisable in or as regards Scotland and it does not relate to reserved matters (within the meaning of the Scotland Act 1998);

[F16](b) . . . . . .

Textual Amendments

F11 Words in s. 2(6) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 83(2)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

F12 S. 2(7) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F13 S. 2(9) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F14 S. 2(10) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 45(3)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F15 Word in s. 2(11) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(8)**, 72(7)

F16 S. 2(11)(b) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 83(3)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

Commencement Information

I2 S. 2 in force at 1.4.2018 for S. by S.S.I. 2017/403, **art. 2(1)(b)**

I3 S. 2 in force at 22.11.2019 for specified purposes for W. by S.I. 2019/1469, **art. 2**

3 Enforcement

A failure in respect of a performance of a duty under section 1 does not confer a cause of action at private law.

Commencement Information

I4 S. 3 in force at 1.4.2018 for S. by S.S.I. 2017/403, **art. 2(1)(c)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

4 The protected characteristics

The following characteristics are protected characteristics—

age;
disability;
gender reassignment;
marriage and civil partnership;
pregnancy and maternity;
race;
religion or belief;
sex;
sexual orientation.

5 Age

(1) In relation to the protected characteristic of age—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

6 Disability

(1) A person (P) has a disability if—

(a) P has a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability.

(3) In relation to the protected characteristic of disability—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

(b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and

(b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

Commencement Information

I5 S. 6 wholly in force; s. 6 not in force at Royal Assent see s. 216; s. 6(5) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 6(6) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 6 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(b)** (with art. 15)

7 Gender reassignment

(1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment—

(a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

8 Marriage and civil partnership

(1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

(2) In relation to the protected characteristic of marriage and civil partnership—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;

(b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

9 Race

(1) Race includes—

(a) colour;

(b) nationality;

(c) ethnic or national origins.

(2) In relation to the protected characteristic of race—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.

(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.

(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.

(5) A Minister of the Crown [F17]...—

(a) **[**[F18]must by order**]** amend this section so as to provide for caste to be an aspect of race;

(b) **[**[F19]may by order**]** amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.

(6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

Textual Amendments

F17 Words in s. 9(5) omitted (25.6.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 97(2)**, 103(2)

F18 Words in s. 9(5)(a) inserted (25.4.2013 for specified purposes) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 97(3)**, 103(1)(i)(2)

F19 Words in s. 9(5)(b) inserted (25.4.2013 for specified purposes) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 97(4)**, 103(1)(i)(2)

Modifications etc. (not altering text)

C4 S. 9(5) power to repeal or amend conferred (25.4.2013 for specified purposes) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 97(7)-(10)**, 103(1)(i)(2)

10 Religion or belief

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

(3) In relation to the protected characteristic of religion or belief—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;

(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

11 Sex

In relation to the protected characteristic of sex—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

12 Sexual orientation

(1) Sexual orientation means a person's sexual orientation towards—
(a) persons of the same sex,
(b) persons of the opposite sex, or
(c) persons of either sex.

(2) In relation to the protected characteristic of sexual orientation—
(a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

CHAPTER 2

PROHIBITED CONDUCT

Discrimination

13 Direct discrimination

(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

(2) If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.

(3) If the protected characteristic is disability, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.

(4) If the protected characteristic is marriage and civil partnership, this section applies to a contravention of Part 5 (work) only if the treatment is because it is B who is married or a civil partner.

(5) If the protected characteristic is race, less favourable treatment includes segregating B from others.

(6) If the protected characteristic is sex—
(a) less favourable treatment of a woman includes less favourable treatment of her because she is breast-feeding;
(b) in a case where B is a man, no account is to be taken of special treatment afforded to a woman in connection with pregnancy or childbirth.

(7) Subsection (6)(a) does not apply for the purposes of Part 5 (work).

(8) This section is subject to sections 17(6) and 18(7).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PROSPECTIVE

14 Combined discrimination: dual characteristics

(1) A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

(2) The relevant protected characteristics are—
- (a) age;
- (b) disability;
- (c) gender reassignment;
- (d) race
- (e) religion or belief;
- (f) sex;
- (g) sexual orientation.

(3) For the purposes of establishing a contravention of this Act by virtue of subsection (1), B need not show that A's treatment of B is direct discrimination because of each of the characteristics in the combination (taken separately).

(4) But B cannot establish a contravention of this Act by virtue of subsection (1) if, in reliance on another provision of this Act or any other enactment, A shows that A's treatment of B is not direct discrimination because of either or both of the characteristics in the combination.

(5) Subsection (1) does not apply to a combination of characteristics that includes disability in circumstances where, if a claim of direct discrimination because of disability were to be brought, it would come within section 116 (special educational needs).

(6) A Minister of the Crown may by order amend this section so as to—
- (a) make further provision about circumstances in which B can, or in which B cannot, establish a contravention of this Act by virtue of subsection (1);
- (b) specify other circumstances in which subsection (1) does not apply.

(7) The references to direct discrimination are to a contravention of this Act by virtue of section 13.

15 Discrimination arising from disability

(1) A person (A) discriminates against a disabled person (B) if—
- (a) A treats B unfavourably because of something arising in consequence of B's disability, and
- (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

(2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

16 Gender reassignment discrimination: cases of absence from work

(1) This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of gender reassignment.

(2) A person (A) discriminates against a transsexual person (B) if, in relation to an absence of B's that is because of gender reassignment, A treats B less favourably than A would treat B if—
  (a) B's absence was because of sickness or injury, or
  (b) B's absence was for some other reason and it is not reasonable for B to be treated less favourably.

(3) A person's absence is because of gender reassignment if it is because the person is proposing to undergo, is undergoing or has undergone the process (or part of the process) mentioned in section 7(1).

17 Pregnancy and maternity discrimination: non-work cases

(1) This section has effect for the purposes of the application to the protected characteristic of pregnancy and maternity of—
  (a) Part 3 (services and public functions);
  (b) Part 4 (premises);
  (c) Part 6 (education);
  (d) Part 7 (associations).

(2) A person (A) discriminates against a woman if A treats her unfavourably because of a pregnancy of hers.

(3) A person (A) discriminates against a woman if, in the period of 26 weeks beginning with the day on which she gives birth, A treats her unfavourably because she has given birth.

(4) The reference in subsection (3) to treating a woman unfavourably because she has given birth includes, in particular, a reference to treating her unfavourably because she is breast-feeding.

(5) For the purposes of this section, the day on which a woman gives birth is the day on which—
  (a) she gives birth to a living child, or
  (b) she gives birth to a dead child (more than 24 weeks of the pregnancy having passed).

(6) Section 13, so far as relating to sex discrimination, does not apply to anything done in relation to a woman in so far as—
  (a) it is for the reason mentioned in subsection (2), or
  (b) it is in the period, and for the reason, mentioned in subsection (3).

18 Pregnancy and maternity discrimination: work cases

(1) This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of pregnancy and maternity.

(2) A person (A) discriminates against a woman if, in the protected period in relation to a pregnancy of hers, A treats her unfavourably —

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) because of the pregnancy, or
(b) because of illness suffered by her as a result of it.

(3) A person (A) discriminates against a woman if A treats her unfavourably because she is on compulsory maternity leave.

(4) A person (A) discriminates against a woman if A treats her unfavourably because she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave.

(5) For the purposes of subsection (2), if the treatment of a woman is in implementation of a decision taken in the protected period, the treatment is to be regarded as occurring in that period (even if the implementation is not until after the end of that period).

(6) The protected period, in relation to a woman's pregnancy, begins when the pregnancy begins, and ends—
(a) if she has the right to ordinary and additional maternity leave, at the end of the additional maternity leave period or (if earlier) when she returns to work after the pregnancy;
(b) if she does not have that right, at the end of the period of 2 weeks beginning with the end of the pregnancy.

(7) Section 13, so far as relating to sex discrimination, does not apply to treatment of a woman in so far as—
(a) it is in the protected period in relation to her and is for a reason mentioned in paragraph (a) or (b) of subsection (2), or
(b) it is for a reason mentioned in subsection (3) or (4).

19 Indirect discrimination

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—
(a) A applies, or would apply, it to persons with whom B does not share the characteristic,
(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
(c) it puts, or would put, B at that disadvantage, and
(d) A cannot show it to be a proportionate means of achieving a legitimate aim.

(3) The relevant protected characteristics are—
age;
disability;
gender reassignment;
marriage and civil partnership;
race;
religion or belief;
sex;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

sexual orientation.

Adjustments for disabled persons

20 Duty to make adjustments

(1) Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A.

(2) The duty comprises the following three requirements.

(3) The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(4) The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(5) The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

(6) Where the first or third requirement relates to the provision of information, the steps which it is reasonable for A to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format.

(7) A person (A) who is subject to a duty to make reasonable adjustments is not (subject to express provision to the contrary) entitled to require a disabled person, in relation to whom A is required to comply with the duty, to pay to any extent A's costs of complying with the duty.

(8) A reference in section 21 or 22 or an applicable Schedule to the first, second or third requirement is to be construed in accordance with this section.

(9) In relation to the second requirement, a reference in this section or an applicable Schedule to avoiding a substantial disadvantage includes a reference to—
   (a) removing the physical feature in question,
   (b) altering it, or
   (c) providing a reasonable means of avoiding it.

(10) A reference in this section, section 21 or 22 or an applicable Schedule (apart from paragraphs 2 to 4 of Schedule 4) to a physical feature is a reference to—
   (a) a feature arising from the design or construction of a building,
   (b) a feature of an approach to, exit from or access to a building,
   (c) a fixture or fitting, or furniture, furnishings, materials, equipment or other chattels, in or on premises, or
   (d) any other physical element or quality.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(11) A reference in this section, section 21 or 22 or an applicable Schedule to an auxiliary aid includes a reference to an auxiliary service.

(12) A reference in this section or an applicable Schedule to chattels is to be read, in relation to Scotland, as a reference to moveable property.

(13) The applicable Schedule is, in relation to the Part of this Act specified in the first column of the Table, the Schedule specified in the second column.

Part of this Act	***Applicable Schedule***
Part 3 (services and public functions)	Schedule 2
Part 4 (premises)	Schedule 4
Part 5 (work)	Schedule 8
Part 6 (education)	Schedule 13
Part 7 (associations)	Schedule 15
Each of the Parts mentioned above	Schedule 21

21 Failure to comply with duty

(1) A failure to comply with the first, second or third requirement is a failure to comply with a duty to make reasonable adjustments.

(2) A discriminates against a disabled person if A fails to comply with that duty in relation to that person.

(3) A provision of an applicable Schedule which imposes a duty to comply with the first, second or third requirement applies only for the purpose of establishing whether A has contravened this Act by virtue of subsection (2); a failure to comply is, accordingly, not actionable by virtue of another provision of this Act or otherwise.

22 Regulations

(1) Regulations may prescribe—
- (a) matters to be taken into account in deciding whether it is reasonable for A to take a step for the purposes of a prescribed provision of an applicable Schedule;
- (b) descriptions of persons to whom the first, second or third requirement does not apply.

(2) Regulations may make provision as to—
- (a) circumstances in which it is, or in which it is not, reasonable for a person of a prescribed description to have to take steps of a prescribed description;
- (b) what is, or what is not, a provision, criterion or practice;
- (c) things which are, or which are not, to be treated as physical features;
- (d) things which are, or which are not, to be treated as alterations of physical features;
- (e) things which are, or which are not, to be treated as auxiliary aids.

(3) Provision made by virtue of this section may amend an applicable Schedule.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I6 S. 22 wholly in force; s. 22 not in force at Royal Assent see s. 216; s. 22 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 22 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(e)** (with art. 15)

Discrimination: supplementary

23 Comparison by reference to circumstances

(1) On a comparison of cases for the purposes of section 13, 14, or 19 there must be no material difference between the circumstances relating to each case.

(2) The circumstances relating to a case include a person's abilities if—

(a) on a comparison for the purposes of section 13, the protected characteristic is disability;

(b) on a comparison for the purposes of section 14, one of the protected characteristics in the combination is disability.

(3) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is a civil partner while another is married [F20]... is not a material difference between the circumstances relating to each case.

[[F21](4) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is married to**[**[F22], or the civil partner of,**]** a person of the same sex while another is married to**[**[F22], or the civil partner of,**]** a person of the opposite sex is not a material difference between the circumstances relating to each case.**]**

Textual Amendments

F20 Words in s. 23(3) omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(2)(a)**

F21 S. 23(4) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 43(3)**; S.I. 2014/93, art. 3(k)(iv)

F22 Words in s. 23(4) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(2)(b)**

24 Irrelevance of alleged discriminator's characteristics

(1) For the purpose of establishing a contravention of this Act by virtue of section 13(1), it does not matter whether A has the protected characteristic.

(2) For the purpose of establishing a contravention of this Act by virtue of section 14(1), it does not matter—

(a) whether A has one of the protected characteristics in the combination;

(b) whether A has both.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

25 References to particular strands of discrimination

(1) Age discrimination is—

(a) discrimination within section 13 because of age;

(b) discrimination within section 19 where the relevant protected characteristic is age.

(2) Disability discrimination is—

(a) discrimination within section 13 because of disability;

(b) discrimination within section 15;

(c) discrimination within section 19 where the relevant protected characteristic is disability;

(d) discrimination within section 21.

(3) Gender reassignment discrimination is—

(a) discrimination within section 13 because of gender reassignment;

(b) discrimination within section 16;

(c) discrimination within section 19 where the relevant protected characteristic is gender reassignment.

(4) Marriage and civil partnership discrimination is—

(a) discrimination within section 13 because of marriage and civil partnership;

(b) discrimination within section 19 where the relevant protected characteristic is marriage and civil partnership.

(5) Pregnancy and maternity discrimination is discrimination within section 17 or 18.

(6) Race discrimination is—

(a) discrimination within section 13 because of race;

(b) discrimination within section 19 where the relevant protected characteristic is race.

(7) Religious or belief-related discrimination is—

(a) discrimination within section 13 because of religion or belief;

(b) discrimination within section 19 where the relevant protected characteristic is religion or belief.

(8) Sex discrimination is—

(a) discrimination within section 13 because of sex;

(b) discrimination within section 19 where the relevant protected characteristic is sex.

(9) Sexual orientation discrimination is—

(a) discrimination within section 13 because of sexual orientation;

(b) discrimination within section 19 where the relevant protected characteristic is sexual orientation.

Other prohibited conduct

26 Harassment

(1) A person (A) harasses another (B) if—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of—

(i) violating B's dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) A also harasses B if—

(a) A engages in unwanted conduct of a sexual nature, and

(b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if—

(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,

(b) the conduct has the purpose or effect referred to in subsection (1)(b), and

(c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

(a) the perception of B;

(b) the other circumstances of the case;

(c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are—

age;
disability;
gender reassignment;
race;
religion or belief;
sex;
sexual orientation.

27 Victimisation

(1) A person (A) victimises another person (B) if A subjects B to a detriment because—

(a) B does a protected act, or

(b) A believes that B has done, or may do, a protected act.

(2) Each of the following is a protected act—

(a) bringing proceedings under this Act;

(b) giving evidence or information in connection with proceedings under this Act;

(c) doing any other thing for the purposes of or in connection with this Act;

(d) making an allegation (whether or not express) that A or another person has contravened this Act.

(3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.

(4) This section applies only where the person subjected to a detriment is an individual.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The reference to contravening this Act includes a reference to committing a breach of an equality clause or rule.

Commencement Information

I7 S. 27 wholly in force; s. 27 not in force at Royal Assent see s. 216; s. 27 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(2)(f)** (with art. 15, and subject to transitional provision in art. 8)

PART 3

SERVICES AND PUBLIC FUNCTIONS

Preliminary

28 Application of this Part

(1) This Part does not apply to the protected characteristic of—
- (a) age, so far as relating to persons who have not attained the age of 18;
- (b) marriage and civil partnership.

(2) This Part does not apply to discrimination, harassment or victimisation—
- (a) that is prohibited by Part 4 (premises), 5 (work) or 6 (education), or
- (b) that would be so prohibited but for an express exception.

(3) This Part does not apply to—
- (a) a breach of an equality clause or rule;
- (b) anything that would be a breach of an equality clause or rule but for section 69 or Part 2 of Schedule 7;
- (c) a breach of a non-discrimination rule.

Commencement Information

I8 S. 28 wholly in force at 1.10.2012; s. 28 not in force at Royal Assent see s. 216; s. 28 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(3)**; s. 28 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 3(a)**

Provision of services, etc.

29 Provision of services, etc.

(1) A person (a "service-provider") concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

(2) A service-provider (A) must not, in providing the service, discriminate against a person (B)—
- (a) as to the terms on which A provides the service to B;
- (b) by terminating the provision of the service to B;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) by subjecting B to any other detriment.

(3) A service-provider must not, in relation to the provision of the service, harass—
(a) a person requiring the service, or
(b) a person to whom the service-provider provides the service.

(4) A service-provider must not victimise a person requiring the service by not providing the person with the service.

(5) A service-provider (A) must not, in providing the service, victimise a person (B)—
(a) as to the terms on which A provides the service to B;
(b) by terminating the provision of the service to B;
(c) by subjecting B to any other detriment.

(6) A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation.

(7) A duty to make reasonable adjustments applies to—
(a) a service-provider (and see also section 55(7));
(b) a person who exercises a public function that is not the provision of a service to the public or a section of the public.

(8) In the application of section 26 for the purposes of subsection (3), and subsection (6) as it relates to harassment, neither of the following is a relevant protected characteristic—
(a) religion or belief;
(b) sexual orientation.

(9) In the application of this section, so far as relating to race or religion or belief, to the granting of entry clearance (within the meaning of the Immigration Act 1971), it does not matter whether an act is done within or outside the United Kingdom.

(10) Subsection (9) does not affect the application of any other provision of this Act to conduct outside England and Wales or Scotland.

Commencement Information

I9 S. 29 wholly in force at 1.10.2012; s. 29 not in force at Royal Assent see s. 216; s. 29 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(3)**; s. 29 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 3(a)**

Supplementary

30 Ships and hovercraft

(1) This Part (subject to subsection (2)) applies only in such circumstances as are prescribed in relation to—
(a) transporting people by ship or hovercraft;
(b) a service provided on a ship or hovercraft.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Section 29(6) applies in relation to the matters referred to in paragraphs (a) and (b) of subsection (1); but in so far as it relates to disability discrimination, section 29(6) applies to those matters only in such circumstances as are prescribed.

(3) It does not matter whether the ship or hovercraft is within or outside the United Kingdom.

(4) "Ship" has the same meaning as in the Merchant Shipping Act 1995.

(5) "Hovercraft" has the same meaning as in the Hovercraft Act 1968.

(6) Nothing in this section affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

Commencement Information

I10 S. 30 wholly in force at 1.10.2012; s. 30 not in force at Royal Assent see s. 216; s. 30 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(3)**; s. 30 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 3(a)**

31 Interpretation and exceptions

(1) This section applies for the purposes of this Part.

(2) A reference to the provision of a service includes a reference to the provision of goods or facilities.

(3) A reference to the provision of a service includes a reference to the provision of a service in the exercise of a public function.

(4) A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

(5) Where an employer arranges for another person to provide a service only to the employer's employees—
   (a) the employer is not to be regarded as the service-provider, but
   (b) the employees are to be regarded as a section of the public.

(6) A reference to a person requiring a service includes a reference to a person who is seeking to obtain or use the service.

(7) A reference to a service-provider not providing a person with a service includes a reference to—
   (a) the service-provider not providing the person with a service of the quality that the service-provider usually provides to the public (or the section of it which includes the person), or
   (b) the service-provider not providing the person with the service in the manner in which, or on the terms on which, the service-provider usually provides the service to the public (or the section of it which includes the person).

(8) In relation to the provision of a service by either House of Parliament, the service-provider is the Corporate Officer of the House concerned; and if the service involves access to, or use of, a place in the Palace of Westminster which members of the public are allowed to enter, both Corporate Officers are jointly the service-provider.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) Schedule 2 (reasonable adjustments) has effect.

(10) Schedule 3 (exceptions) has effect.

Commencement Information

I11 S. 31 wholly in force at 1.10.2012; s. 31 not in force at Royal Assent see s. 216; s. 31 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(3)**; s. 31(9) in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(a)**; s. 31(1)-(8)(10) in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 3(a)**

PART 4

PREMISES

Preliminary

32 Application of this Part

(1) This Part does not apply to the following protected characteristics—
- (a) age;
- (b) marriage and civil partnership.

(2) This Part does not apply to discrimination, harassment or victimisation—
- (a) that is prohibited by Part 5 (work) or Part 6 (education), or
- (b) that would be so prohibited but for an express exception.

(3) This Part does not apply to the provision of accommodation if the provision—
- (a) is generally for the purpose of short stays by individuals who live elsewhere, or
- (b) is for the purpose only of exercising a public function or providing a service to the public or a section of the public.

(4) The reference to the exercise of a public function, and the reference to the provision of a service, are to be construed in accordance with Part 3.

(5) This Part does not apply to—
- (a) a breach of an equality clause or rule;
- (b) anything that would be a breach of an equality clause or rule but for section 69 or Part 2 of Schedule 7;
- (c) a breach of a non-discrimination rule.

Disposal and management

33 Disposals, etc.

(1) A person (A) who has the right to dispose of premises must not discriminate against another (B)—
- (a) as to the terms on which A offers to dispose of the premises to B;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) by not disposing of the premises to B;
(c) in A's treatment of B with respect to things done in relation to persons seeking premises.

(2) Where an interest in a commonhold unit cannot be disposed of unless a particular person is a party to the disposal, that person must not discriminate against a person by not being a party to the disposal.

(3) A person who has the right to dispose of premises must not, in connection with anything done in relation to their occupation or disposal, harass—
(a) a person who occupies them;
(b) a person who applies for them.

(4) A person (A) who has the right to dispose of premises must not victimise another (B)—
(a) as to the terms on which A offers to dispose of the premises to B;
(b) by not disposing of the premises to B;
(c) in A's treatment of B with respect to things done in relation to persons seeking premises.

(5) Where an interest in a commonhold unit cannot be disposed of unless a particular person is a party to the disposal, that person must not victimise a person by not being a party to the disposal.

(6) In the application of section 26 for the purposes of subsection (3), neither of the following is a relevant protected characteristic—
(a) religion or belief;
(b) sexual orientation.

34 Permission for disposal

(1) A person whose permission is required for the disposal of premises must not discriminate against another by not giving permission for the disposal of the premises to the other.

(2) A person whose permission is required for the disposal of premises must not, in relation to an application for permission to dispose of the premises, harass a person—
(a) who applies for permission to dispose of the premises, or
(b) to whom the disposal would be made if permission were given.

(3) A person whose permission is required for the disposal of premises must not victimise another by not giving permission for the disposal of the premises to the other.

(4) In the application of section 26 for the purposes of subsection (2), neither of the following is a relevant protected characteristic—
(a) religion or belief;
(b) sexual orientation.

(5) This section does not apply to anything done in the exercise of a judicial function.

35 Management

(1) A person (A) who manages premises must not discriminate against a person (B) who occupies the premises—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in the way in which A allows B, or by not allowing B, to make use of a benefit or facility;
(b) by evicting B (or taking steps for the purpose of securing B's eviction);
(c) by subjecting B to any other detriment.

(2) A person who manages premises must not, in relation to their management, harass—
(a) a person who occupies them;
(b) a person who applies for them.

(3) A person (A) who manages premises must not victimise a person (B) who occupies the premises—
(a) in the way in which A allows B, or by not allowing B, to make use of a benefit or facility;
(b) by evicting B (or taking steps for the purpose of securing B's eviction);
(c) by subjecting B to any other detriment.

(4) In the application of section 26 for the purposes of subsection (2), neither of the following is a relevant protected characteristic—
(a) religion or belief;
(b) sexual orientation.

Reasonable adjustments

36 Leasehold and commonhold premises and common parts

(1) A duty to make reasonable adjustments applies to—
(a) a controller of let premises;
(b) a controller of premises to let;
(c) a commonhold association;
(d) a responsible person in relation to common parts.

(2) A controller of let premises is—
(a) a person by whom premises are let, or
(b) a person who manages them.

(3) A controller of premises to let is—
(a) a person who has premises to let, or
(b) a person who manages them.

(4) The reference in subsection (1)(c) to a commonhold association is a reference to the association in its capacity as the person who manages a commonhold unit.

(5) A responsible person in relation to common parts is—
(a) where the premises to which the common parts relate are let (and are not part of commonhold land or in Scotland), a person by whom the premises are let;
(b) where the premises to which the common parts relate are part of commonhold land, the commonhold association.

(6) Common parts are—
(a) in relation to let premises (which are not part of commonhold land or in Scotland), the structure and exterior of, and any common facilities within or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

used in connection with, the building or part of a building which includes the premises;

(b) in relation to commonhold land, every part of the commonhold which is not for the time being a commonhold unit in accordance with the commonhold community statement.

(7) A reference to letting includes a reference to sub-letting; and for the purposes of subsection (1)(a) and (b), a reference to let premises includes premises subject to a right to occupy.

(8) This section does not apply to premises of such description as may be prescribed.

Commencement Information

I12 S. 36 partly in force; s. 36 not in force at Royal Assent see s. 216; s. 36(1)(a)-(c)(2)-(4)(7)(8) in force at 1.10.2010 by S.I. 2010/2317, **art. 2(4)(b)**

37 Adjustments to common parts in Scotland

(1) The Scottish Ministers may by regulations provide that a disabled person is entitled to make relevant adjustments to common parts in relation to premises in Scotland.

(2) The reference in subsection (1) to a disabled person is a reference to a disabled person who—

(a) is a tenant of the premises,

(b) is an owner of the premises, or

(c) is otherwise entitled to occupy the premises,

and uses or intends to use the premises as the person's only or main home.

(3) Before making regulations under subsection (1), the Scottish Ministers must consult a Minister of the Crown.

(4) Regulations under subsection (1) may, in particular—

(a) prescribe things which are, or which are not, to be treated as relevant adjustments;

(b) prescribe circumstances in which the consent of an owner of the common parts is required before a disabled person may make an adjustment;

(c) provide that the consent to adjustments is not to be withheld unreasonably;

(d) prescribe matters to be taken into account, or to be disregarded, in deciding whether it is reasonable to consent to adjustments;

(e) prescribe circumstances in which consent to adjustments is to be taken to be withheld;

(f) make provision about the imposition of conditions on consent to adjustments;

(g) make provision as to circumstances in which the sheriff may make an order authorising a disabled person to carry out adjustments;

(h) make provision about the responsibility for costs arising (directly or indirectly) from an adjustment;

(i) make provision about the reinstatement of the common parts to the condition they were in before an adjustment was made;

(j) make provision about the giving of notice to the owners of the common parts and other persons;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(k) make provision about agreements between a disabled person and an owner of the common parts;

(l) make provision about the registration of information in the Land Register of Scotland or the recording of documents in the Register of Sasines relating to an entitlement of a disabled person or an obligation on an owner of the common parts;

(m) make provision about the effect of such registration or recording;

(n) make provision about who is to be treated as being, or as not being, a person entitled to occupy premises otherwise than as tenant or owner.

(5) In this section—

"common parts" means, in relation to premises, the structure and exterior of, and any common facilities within or used in connection with, the building or part of a building which includes the premises but only in so far as the structure, exterior and common facilities are not solely owned by the owner of the premises;

"relevant adjustments" means, in relation to a disabled person, alterations or additions which are likely to avoid a substantial disadvantage to which the disabled person is put in using the common parts in comparison with persons who are not disabled.

Supplementary

38 Interpretation and exceptions

(1) This section applies for the purposes of this Part.

(2) A reference to premises is a reference to the whole or part of the premises.

(3) A reference to disposing of premises includes, in the case of premises subject to a tenancy, a reference to—

(a) assigning the premises,

(b) sub-letting them, or

(c) parting with possession of them.

(4) A reference to disposing of premises also includes a reference to granting a right to occupy them.

(5) A reference to disposing of an interest in a commonhold unit includes a reference to creating an interest in a commonhold unit.

(6) A reference to a tenancy is to a tenancy created (whether before or after the passing of this Act)—

(a) by a lease or sub-lease,

(b) by an agreement for a lease or sub-lease,

(c) by a tenancy agreement, or

(d) in pursuance of an enactment,

and a reference to a tenant is to be construed accordingly.

(7) A reference to commonhold land, a commonhold association, a commonhold community statement, a commonhold unit or a unit-holder is to be construed in accordance with the Commonhold and Leasehold Reform Act 2002.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) Schedule 4 (reasonable adjustments) has effect.

(9) Schedule 5 (exceptions) has effect.

Commencement Information

I13 S. 38 partly in force; s. 38 not in force at Royal Assent see s. 216; s. 38(8) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 38(1)-(7)(9) wholly in force and s. 38(8) in force for certain further purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(4)(c)(d)** (with art. 15)

PART 5

WORK

Modifications etc. (not altering text)

C5 Pt. 5 excluded by 2005 c. 4, s. 63(4) (as inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 10(3)**; S.I. 2013/1725, art. 2(g))

C6 Pt. 5 excluded by 2005 c. 4, s. 27(5A)(b) (as inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 9**; S.I. 2013/1725, art. 2(g))

C7 Pt. 5 excluded (coming into force in accordance with reg. 2(1) of the commencing S.I.) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 5 para. 5(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/351, reg. 2(2) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]

C8 Pt. 5 restricted (S.) (29.5.2020) by Gender Representation on Public Boards (Scotland) Act 2018 (asp 4), **ss. 11(2)**, 13; S.S.I. 2020/119, reg. 2

C9 Pt. 5 applied (1.8.2011) by the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 (S.I. 2011/1771), **regs. 3-5**

CHAPTER 1

EMPLOYMENT, ETC.

Employees

39 Employees and applicants

(1) An employer (A) must not discriminate against a person (B)—

(a) in the arrangements A makes for deciding to whom to offer employment;

(b) as to the terms on which A offers B employment;

(c) by not offering B employment.

(2) An employer (A) must not discriminate against an employee of A's (B)—

(a) as to B's terms of employment;

(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;

(c) by dismissing B;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) by subjecting B to any other detriment.

(3) An employer (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer employment;
- (b) as to the terms on which A offers B employment;
- (c) by not offering B employment.

(4) An employer (A) must not victimise an employee of A's (B)—
- (a) as to B's terms of employment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for any other benefit, facility or service;
- (c) by dismissing B;
- (d) by subjecting B to any other detriment.

(5) A duty to make reasonable adjustments applies to an employer.

(6) Subsection (1)(b), so far as relating to sex or pregnancy and maternity, does not apply to a term that relates to pay—
- (a) unless, were B to accept the offer, an equality clause or rule would have effect in relation to the term, or
- (b) if paragraph (a) does not apply, except in so far as making an offer on terms including that term amounts to a contravention of subsection (1)(b) by virtue of section 13, 14 or 18.

(7) In subsections (2)(c) and (4)(c), the reference to dismissing B includes a reference to the termination of B's employment—
- (a) by the expiry of a period (including a period expiring by reference to an event or circumstance);
- (b) by an act of B's (including giving notice) in circumstances such that B is entitled, because of A's conduct, to terminate the employment without notice.

(8) Subsection (7)(a) does not apply if, immediately after the termination, the employment is renewed on the same terms.

40 Employees and applicants: harassment

(1) An employer (A) must not, in relation to employment by A, harass a person (B)—
- (a) who is an employee of A's;
- (b) who has applied to A for employment.

[F23](2) . . . . . .

[F23](3) . . . . . .

[F23](4) . . . . . .

Textual Amendments

F23 S. 40(2)-(4) omitted (1.10.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 65**, 103(3); S.I. 2013/2227, art. 2(c) (with art. 4)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

41 Contract workers

(1) A principal must not discriminate against a contract worker—
- (a) as to the terms on which the principal allows the worker to do the work;
- (b) by not allowing the worker to do, or to continue to do, the work;
- (c) in the way the principal affords the worker access, or by not affording the worker access, to opportunities for receiving a benefit, facility or service;
- (d) by subjecting the worker to any other detriment.

(2) A principal must not, in relation to contract work, harass a contract worker.

(3) A principal must not victimise a contract worker—
- (a) as to the terms on which the principal allows the worker to do the work;
- (b) by not allowing the worker to do, or to continue to do, the work;
- (c) in the way the principal affords the worker access, or by not affording the worker access, to opportunities for receiving a benefit, facility or service;
- (d) by subjecting the worker to any other detriment.

(4) A duty to make reasonable adjustments applies to a principal (as well as to the employer of a contract worker).

(5) A "principal" is a person who makes work available for an individual who is—
- (a) employed by another person, and
- (b) supplied by that other person in furtherance of a contract to which the principal is a party (whether or not that other person is a party to it).

(6) "Contract work" is work such as is mentioned in subsection (5).

(7) A "contract worker" is an individual supplied to a principal in furtherance of a contract such as is mentioned in subsection (5)(b).

Police officers

42 Identity of employer

(1) For the purposes of this Part, holding the office of constable is to be treated as employment—
- (a) by the chief officer, in respect of any act done by the chief officer in relation to a constable or appointment to the office of constable;
- (b) by the responsible authority, in respect of any act done by the authority in relation to a constable or appointment to the office of constable.

(2) For the purposes of this Part, holding an appointment as a police cadet is to be treated as employment—
- (a) by the chief officer, in respect of any act done by the chief officer in relation to a police cadet or appointment as one;
- (b) by the responsible authority, in respect of any act done by the authority in relation to a police cadet or appointment as one.

(3) Subsection (1) does not apply to service with the Civil Nuclear Constabulary (as to which, see section 55(2) of the Energy Act 2004).

(4) Subsection (1) does not apply to a constable at **[**[F24]NCA**][**[F25]or SPA**]**.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) A constable at **[**[F24]NCA**]** or **[**[F26]SPA**]** is to be treated as employed by it, in respect of any act done by it in relation to the constable.

(6) [F27] . . . . . .

Textual Amendments

F24 Word in s. 42(4)(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 181**; S.I. 2013/1682, art. 3(v)

F25 Words in s. 42(4) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(2)(a)**

F26 Word in s. 42(5) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(2)(b)**

F27 S. 42(6) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(2)(c)**

43 Interpretation

(1) This section applies for the purposes of section 42.

(2) "Chief officer" means—

(a) in relation to an appointment under a relevant Act, the chief officer of police for the police force to which the appointment relates;

(b) in relation to any other appointment, the person under whose direction and control the body of constables or other persons to which the appointment relates is;

(c) in relation to a constable or other person under the direction and control of a chief officer of police, that chief officer of police;

(d) in relation to any other constable or any other person, the person under whose direction and control the constable or other person is.

(3) "Responsible authority" means—

(a) in relation to an appointment under a relevant Act, the **[**[F28]local policing body or police authority**]** that maintains the police force to which the appointment relates;

(b) in relation to any other appointment, the person by whom a person would (if appointed) be paid;

(c) in relation to a constable or other person under the direction and control of a chief officer of police, the **[**[F28]local policing body or police authority**]** that maintains the police force for which that chief officer is the chief officer of police;

(d) in relation to any other constable or any other person, the person by whom the constable or other person is paid.

(4) "Police cadet" means a person appointed to undergo training with a view to becoming a constable.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[[F29](5) "NCA " means the National Crime Agency; and a reference to a constable at NCA is a reference to a constable seconded to it to serve as an NCA officer. **]**

[[F30](5A) " SPA " means the Scottish Police Authority; and a reference to a constable at SPA is a reference to a constable serving as a member of its staff by virtue of paragraph 7(1) of schedule 1 to the Police and Fire Reform (Scotland) Act 2012. **]**

(7) [F31] . . . . . .

(8) For the purposes of this section, the relevant Acts are—

(a) the Metropolitan Police Act 1829;

(b) the City of London Police Act 1839;

(c) the **[**[F32]Police and Fire Reform (Scotland) Act 2012**]**;

[[F33](d) the Police Reform and Social Responsibility Act 2011.**]**

[[F34](9) Subsections (2) and (3) apply in relation to Scotland as follows—

(a) a reference to a police authority includes a reference to the Scottish Police Authority;

(b) a reference to a police force includes a reference to the Police Service of Scotland; and

(c) a reference to a chief officer of police includes a reference to the chief constable of the Police Service of Scotland.**]**

Textual Amendments

F28 Words in s. 43(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 99, **Sch. 16 para. 382(a)**; S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)}

F29 S. 43(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 182**; S.I. 2013/1682, art. 3(v)

F30 S. 43(5A) substituted (1.4.2013) for s. 43(6) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(3)(a)**

F31 S. 43(7) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(3)(b)**

F32 Words in s. 43(8)(c) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(3)(c)**

F33 S. 43(8)(d) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 99, **Sch. 16 para. 382(b)**; S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)} (with Sch. 2 para. 80)

F34 S. 43(9) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(3)(d)**

Partners

44 Partnerships

(1) A firm or proposed firm must not discriminate against a person—

(a) in the arrangements it makes for deciding to whom to offer a position as a partner;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) as to the terms on which it offers the person a position as a partner;
(c) by not offering the person a position as a partner.

(2) A firm (A) must not discriminate against a partner (B)—
(a) as to the terms on which B is a partner;
(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
(c) by expelling B;
(d) by subjecting B to any other detriment.

(3) A firm must not, in relation to a position as a partner, harass—
(a) a partner;
(b) a person who has applied for the position.

(4) A proposed firm must not, in relation to a position as a partner, harass a person who has applied for the position.

(5) A firm or proposed firm must not victimise a person—
(a) in the arrangements it makes for deciding to whom to offer a position as a partner;
(b) as to the terms on which it offers the person a position as a partner;
(c) by not offering the person a position as a partner.

(6) A firm (A) must not victimise a partner (B)—
(a) as to the terms on which B is a partner;
(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
(c) by expelling B;
(d) by subjecting B to any other detriment.

(7) A duty to make reasonable adjustments applies to—
(a) a firm;
(b) a proposed firm.

(8) In the application of this section to a limited partnership within the meaning of the Limited Partnerships Act 1907, “partner” means a general partner within the meaning of that Act.

45 Limited liability partnerships

(1) An LLP or proposed LLP must not discriminate against a person—
(a) in the arrangements it makes for deciding to whom to offer a position as a member;
(b) as to the terms on which it offers the person a position as a member;
(c) by not offering the person a position as a member.

(2) An LLP (A) must not discriminate against a member (B)—
(a) as to the terms on which B is a member;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
(c) by expelling B;
(d) by subjecting B to any other detriment.

(3) An LLP must not, in relation to a position as a member, harass—
(a) a member;
(b) a person who has applied for the position.

(4) A proposed LLP must not, in relation to a position as a member, harass a person who has applied for the position.

(5) An LLP or proposed LLP must not victimise a person—
(a) in the arrangements it makes for deciding to whom to offer a position as a member;
(b) as to the terms on which it offers the person a position as a member;
(c) by not offering the person a position as a member.

(6) An LLP (A) must not victimise a member (B)—
(a) as to the terms on which B is a member;
(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
(c) by expelling B;
(d) by subjecting B to any other detriment.

(7) A duty to make reasonable adjustments applies to—
(a) an LLP;
(b) a proposed LLP.

46 Interpretation

(1) This section applies for the purposes of sections 44 and 45.

(2) "Partnership" and "firm" have the same meaning as in the Partnership Act 1890.

(3) "Proposed firm" means persons proposing to form themselves into a partnership.

(4) "LLP" means a limited liability partnership (within the meaning of the Limited Liability Partnerships Act 2000).

(5) "Proposed LLP" means persons proposing to incorporate an LLP with themselves as members.

(6) A reference to expelling a partner of a firm or a member of an LLP includes a reference to the termination of the person's position as such—
(a) by the expiry of a period (including a period expiring by reference to an event or circumstance);
(b) by an act of the person (including giving notice) in circumstances such that the person is entitled, because of the conduct of other partners or members, to terminate the position without notice;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) (in the case of a partner of a firm) as a result of the dissolution of the partnership.

(7) Subsection (6)(a) and (c) does not apply if, immediately after the termination, the position is renewed on the same terms.

The Bar

47 Barristers

(1) A barrister (A) must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
- (b) as to the terms on which A offers B a pupillage or tenancy;
- (c) by not offering B a pupillage or tenancy.

(2) A barrister (A) must not discriminate against a person (B) who is a pupil or tenant—
- (a) as to the terms on which B is a pupil or tenant;
- (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
- (c) by terminating the pupillage;
- (d) by subjecting B to pressure to leave chambers;
- (e) by subjecting B to any other detriment.

(3) A barrister must not, in relation to a pupillage or tenancy, harass—
- (a) the pupil or tenant;
- (b) a person who has applied for the pupillage or tenancy.

(4) A barrister (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
- (b) as to the terms on which A offers B a pupillage or tenancy;
- (c) by not offering B a pupillage or tenancy.

(5) A barrister (A) must not victimise a person (B) who is a pupil or tenant—
- (a) as to the terms on which B is a pupil or tenant;
- (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
- (c) by terminating the pupillage;
- (d) by subjecting B to pressure to leave chambers;
- (e) by subjecting B to any other detriment.

(6) A person must not, in relation to instructing a barrister—
- (a) discriminate against a barrister by subjecting the barrister to a detriment;
- (b) harass the barrister;
- (c) victimise the barrister.

(7) A duty to make reasonable adjustments applies to a barrister.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) The preceding provisions of this section (apart from subsection (6)) apply in relation to a barrister's clerk as they apply in relation to a barrister; and for that purpose the reference to a barrister's clerk includes a reference to a person who carries out the functions of a barrister's clerk.

(9) A reference to a tenant includes a reference to a barrister who is permitted to work in chambers (including as a squatter or door tenant); and a reference to a tenancy is to be construed accordingly.

48 Advocates

(1) An advocate (A) must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding who to take as A's devil or to whom to offer membership of a stable;
- (b) as to the terms on which A offers to take B as A's devil or offers B membership of a stable;
- (c) by not offering to take B as A's devil or not offering B membership of a stable.

(2) An advocate (A) must not discriminate against a person (B) who is a devil or a member of a stable—
- (a) as to the terms on which B is a devil or a member of the stable;
- (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
- (c) by terminating A's relationship with B (where B is a devil);
- (d) by subjecting B to pressure to leave the stable;
- (e) by subjecting B to any other detriment.

(3) An advocate must not, in relation to a relationship with a devil or membership of a stable, harass—
- (a) a devil or member;
- (b) a person who has applied to be taken as the advocate's devil or to become a member of the stable.

(4) An advocate (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding who to take as A's devil or to whom to offer membership of a stable;
- (b) as to the terms on which A offers to take B as A's devil or offers B membership of a stable;
- (c) by not offering to take B as A's devil or not offering B membership of a stable.

(5) An advocate (A) must not victimise a person (B) who is a devil or a member of a stable—
- (a) as to the terms on which B is a devil or a member of the stable;
- (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
- (c) by terminating A's relationship with B (where B is a devil);
- (d) by subjecting B to pressure to leave the stable;
- (e) by subjecting B to any other detriment.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A person must not, in relation to instructing an advocate—
- (a) discriminate against the advocate by subjecting the advocate to a detriment;
- (b) harass the advocate;
- (c) victimise the advocate.

(7) A duty to make reasonable adjustments applies to an advocate.

(8) This section (apart from subsection (6)) applies in relation to an advocate's clerk as it applies in relation to an advocate; and for that purpose the reference to an advocate's clerk includes a reference to a person who carries out the functions of an advocate's clerk.

(9) "Advocate" means a practising member of the Faculty of Advocates.

Office-holders

49 Personal offices: appointments, etc.

(1) This section applies in relation to personal offices.

(2) A personal office is an office or post—
- (a) to which a person is appointed to discharge a function personally under the direction of another person, and
- (b) in respect of which an appointed person is entitled to remuneration.

(3) A person (A) who has the power to make an appointment to a personal office must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer the appointment;
- (b) as to the terms on which A offers B the appointment;
- (c) by not offering B the appointment.

(4) A person who has the power to make an appointment to a personal office must not, in relation to the office, harass a person seeking, or being considered for, the appointment.

(5) A person (A) who has the power to make an appointment to a personal office must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer the appointment;
- (b) as to the terms on which A offers B the appointment;
- (c) by not offering B the appointment.

(6) A person (A) who is a relevant person in relation to a personal office must not discriminate against a person (B) appointed to the office—
- (a) as to the terms of B's appointment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by terminating B's appointment;
- (d) by subjecting B to any other detriment.

(7) A relevant person in relation to a personal office must not, in relation to that office, harass a person appointed to it.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) A person (A) who is a relevant person in relation to a personal office must not victimise a person (B) appointed to the office—
- (a) as to the terms of B's appointment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by terminating B's appointment;
- (d) by subjecting B to any other detriment.

(9) A duty to make reasonable adjustments applies to—
- (a) a person who has the power to make an appointment to a personal office;
- (b) a relevant person in relation to a personal office.

(10) For the purposes of subsection (2)(a), a person is to be regarded as discharging functions personally under the direction of another person if that other person is entitled to direct the person as to when and where to discharge the functions.

(11) For the purposes of subsection (2)(b), a person is not to be regarded as entitled to remuneration merely because the person is entitled to payments—
- (a) in respect of expenses incurred by the person in discharging the functions of the office or post, or
- (b) by way of compensation for the loss of income or benefits the person would or might have received had the person not been discharging the functions of the office or post.

(12) Subsection (3)(b), so far as relating to sex or pregnancy and maternity, does not apply to a term that relates to pay—
- (a) unless, were B to accept the offer, an equality clause or rule would have effect in relation to the term, or
- (b) if paragraph (a) does not apply, except in so far as making an offer on terms including that term amounts to a contravention of subsection (3)(b) by virtue of section 13, 14 or 18.

50 Public offices: appointments, etc.

(1) This section and section 51 apply in relation to public offices.

(2) A public office is—
- (a) an office or post, appointment to which is made by a member of the executive;
- (b) an office or post, appointment to which is made on the recommendation of, or subject to the approval of, a member of the executive;
- (c) an office or post, appointment to which is made on the recommendation of, or subject to the approval of, the House of Commons, the House of Lords, the National Assembly for Wales or the Scottish Parliament.
- **[**[F35](d) an office or post, appointment to which is made by the Lord Chief Justice or the Senior President of Tribunals.**]**

(3) A person (A) who has the power to make an appointment to a public office within subsection (2)(a) **[**[F36], (b) or (d)**]** must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer the appointment;
- (b) as to the terms on which A offers B the appointment;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) by not offering B the appointment.

(4) A person who has the power to make an appointment to a public office within subsection (2)(a) **[**[F36], (b) or (d)**]** must not, in relation to the office, harass a person seeking, or being considered for, the appointment.

(5) A person (A) who has the power to make an appointment to a public office within subsection (2)(a) **[**[F36], (b) or (d)**]** must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer the appointment;
- (b) as to the terms on which A offers B the appointment;
- (c) by not offering B the appointment.

(6) A person (A) who is a relevant person in relation to a public office within subsection (2)(a) **[**[F36], (b) or (d)**]** must not discriminate against a person (B) appointed to the office—
- (a) as to B's terms of appointment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by terminating the appointment;
- (d) by subjecting B to any other detriment.

(7) A person (A) who is a relevant person in relation to a public office within subsection (2)(c) must not discriminate against a person (B) appointed to the office—
- (a) as to B's terms of appointment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by subjecting B to any other detriment (other than by terminating the appointment).

(8) A relevant person in relation to a public office must not, in relation to that office, harass a person appointed to it.

(9) A person (A) who is a relevant person in relation to a public office within subsection (2)(a) **[**[F37], (b) or (d)**]** must not victimise a person (B) appointed to the office—
- (a) as to B's terms of appointment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by terminating the appointment;
- (d) by subjecting B to any other detriment.

(10) A person (A) who is a relevant person in relation to a public office within subsection (2)(c) must not victimise a person (B) appointed to the office—
- (a) as to B's terms of appointment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by subjecting B to any other detriment (other than by terminating the appointment).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(11) A duty to make reasonable adjustments applies to—

(a) a relevant person in relation to a public office;

(b) a person who has the power to make an appointment to a public office within subsection (2)(a) **[**[F38], (b) or (d)**]**.

(12) Subsection (3)(b), so far as relating to sex or pregnancy and maternity, does not apply to a term that relates to pay—

(a) unless, were B to accept the offer, an equality clause or rule would have effect in relation to the term, or

(b) if paragraph (a) does not apply, except in so far as making an offer on terms including that term amounts to a contravention of subsection (3)(b) by virtue of section 13, 14 or 18.

Textual Amendments

F35 S. 50(2)(d) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 50(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F36 Words in s. 50(3)-(6) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 50(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F37 Words in s. 50(9) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 50(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F38 Words in s. 50(11)(b) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 50(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

51 Public offices: recommendations for appointments, etc.

(1) A person (A) who has the power to make a recommendation for or give approval to an appointment to a public office within section 50(2)(a) **[**[F39], (b) or (d)**]**, must not discriminate against a person (B)—

(a) in the arrangements A makes for deciding who to recommend for appointment or to whose appointment to give approval;

(b) by not recommending B for appointment to the office;

(c) by making a negative recommendation of B for appointment to the office;

(d) by not giving approval to the appointment of B to the office.

(2) A person who has the power to make a recommendation for or give approval to an appointment to a public office within section 50(2)(a) **[**[F39], (b) or (d)**]** must not, in relation to the office, harass a person seeking or being considered for the recommendation or approval.

(3) A person (A) who has the power to make a recommendation for or give approval to an appointment to a public office within section 50(2)(a) **[**[F39], (b) or (d)**]**, must not victimise a person (B)—

(a) in the arrangements A makes for deciding who to recommend for appointment or to whose appointment to give approval;

(b) by not recommending B for appointment to the office;

(c) by making a negative recommendation of B for appointment to the office;

(d) by not giving approval to the appointment of B to the office.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) A duty to make reasonable adjustments applies to a person who has the power to make a recommendation for or give approval to an appointment to a public office within section 50(2)(a) **[**[F39], (b) or (d)**]**.

(5) A reference in this section to a person who has the power to make a recommendation for or give approval to an appointment to a public office within section 50(2)(a) **[**[F40]or (d)**]** is a reference only to a relevant body which has that power; and for that purpose "relevant body" means a body established—

(a) by or in pursuance of an enactment, or

(b) by a member of the executive.

Textual Amendments

F39 Words in s. 51(1)-(4) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 51(2)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

F40 Words in s. 51(5) inserted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 51(3)**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

52 Interpretation and exceptions

(1) This section applies for the purposes of sections 49 to 51.

(2) "Personal office" has the meaning given in section 49.

(3) "Public office" has the meaning given in section 50.

(4) An office or post which is both a personal office and a public office is to be treated as being a public office only.

(5) Appointment to an office or post does not include election to it.

(6) "Relevant person", in relation to an office, means the person who, in relation to a matter specified in the first column of the table, is specified in the second column (but a reference to a relevant person does not in any case include the House of Commons, the House of Lords, the National Assembly for Wales or the Scottish Parliament).

Matter	*Relevant person*
A term of appointment	The person who has the power to set the term.
Access to an opportunity	The person who has the power to afford access to the opportunity (or, if there is no such person, the person who has the power to make the appointment).
Terminating an appointment	The person who has the power to terminate the appointment.
Subjecting an appointee to any other detriment	The person who has the power in relation to the matter to which the conduct in question relates (or, if there is no such person, the person who has the power to make the appointment).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Harassing an appointee	The person who has the power in relation to the matter to which the conduct in question relates.

(7) A reference to terminating a person's appointment includes a reference to termination of the appointment—
  (a) by the expiry of a period (including a period expiring by reference to an event or circumstance);
  (b) by an act of the person (including giving notice) in circumstances such that the person is entitled, because of the relevant person's conduct, to terminate the appointment without notice.

(8) Subsection (7)(a) does not apply if, immediately after the termination, the appointment is renewed on the same terms.

(9) Schedule 6 (excluded offices) has effect.

Qualifications

53 Qualifications bodies

(1) A qualifications body (A) must not discriminate against a person (B)—
  (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
  (b) as to the terms on which it is prepared to confer a relevant qualification on B;
  (c) by not conferring a relevant qualification on B.

(2) A qualifications body (A) must not discriminate against a person (B) upon whom A has conferred a relevant qualification—
  (a) by withdrawing the qualification from B;
  (b) by varying the terms on which B holds the qualification;
  (c) by subjecting B to any other detriment.

(3) A qualifications body must not, in relation to conferment by it of a relevant qualification, harass—
  (a) a person who holds the qualification, or
  (b) a person who applies for it.

(4) A qualifications body (A) must not victimise a person (B)—
  (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
  (b) as to the terms on which it is prepared to confer a relevant qualification on B;
  (c) by not conferring a relevant qualification on B.

(5) A qualifications body (A) must not victimise a person (B) upon whom A has conferred a relevant qualification—
  (a) by withdrawing the qualification from B;
  (b) by varying the terms on which B holds the qualification;
  (c) by subjecting B to any other detriment.

(6) A duty to make reasonable adjustments applies to a qualifications body.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The application by a qualifications body of a competence standard to a disabled person is not disability discrimination unless it is discrimination by virtue of section 19.

54 Interpretation

(1) This section applies for the purposes of section 53.

(2) A qualifications body is an authority or body which can confer a relevant qualification.

(3) A relevant qualification is an authorisation, qualification, recognition, registration, enrolment, approval or certification which is needed for, or facilitates engagement in, a particular trade or profession.

(4) An authority or body is not a qualifications body in so far as—
- (a) it can confer a qualification to which section 96 applies,
- (b) it is the responsible body of a school to which section 85 applies,
- (c) it is the governing body of an institution to which section 91 applies,
- (d) it exercises functions under the Education Acts, or
- (e) it exercises functions under the Education (Scotland) Act 1980.

(5) A reference to conferring a relevant qualification includes a reference to renewing or extending the conferment of a relevant qualification.

(6) A competence standard is an academic, medical or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

Employment services

55 Employment service-providers

(1) A person (an "employment service-provider") concerned with the provision of an employment service must not discriminate against a person—
- (a) in the arrangements the service-provider makes for selecting persons to whom to provide, or to whom to offer to provide, the service;
- (b) as to the terms on which the service-provider offers to provide the service to the person;
- (c) by not offering to provide the service to the person.

(2) An employment service-provider (A) must not, in relation to the provision of an employment service, discriminate against a person (B)—
- (a) as to the terms on which A provides the service to B;
- (b) by not providing the service to B;
- (c) by terminating the provision of the service to B;
- (d) by subjecting B to any other detriment.

(3) An employment service-provider must not, in relation to the provision of an employment service, harass—
- (a) a person who asks the service-provider to provide the service;
- (b) a person for whom the service-provider provides the service.

(4) An employment service-provider (A) must not victimise a person (B)—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in the arrangements A makes for selecting persons to whom to provide, or to whom to offer to provide, the service;
(b) as to the terms on which A offers to provide the service to B;
(c) by not offering to provide the service to B.

(5) An employment service-provider (A) must not, in relation to the provision of an employment service, victimise a person (B)—
(a) as to the terms on which A provides the service to B;
(b) by not providing the service to B;
(c) by terminating the provision of the service to B;
(d) by subjecting B to any other detriment.

(6) A duty to make reasonable adjustments applies to an employment service-provider, except in relation to the provision of a vocational service.

(7) The duty imposed by section 29(7)(a) applies to a person concerned with the provision of a vocational service; but a failure to comply with that duty in relation to the provision of a vocational service is a contravention of this Part for the purposes of Part 9 (enforcement).

56 Interpretation

(1) This section applies for the purposes of section 55.

(2) The provision of an employment service includes—
(a) the provision of vocational training;
(b) the provision of vocational guidance;
(c) making arrangements for the provision of vocational training or vocational guidance;
(d) the provision of a service for finding employment for persons;
(e) the provision of a service for supplying employers with persons to do work;
(f) the provision of a service in pursuance of arrangements made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State relating to employment);
(g) the provision of a service in pursuance of arrangements made or a direction given under section 10 of that Act (careers services);
(h) the exercise of a function in pursuance of arrangements made under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (functions of Scottish Enterprise, etc. relating to employment);
(i) an assessment related to the conferment of a relevant qualification within the meaning of section 53 above (except in so far as the assessment is by the qualifications body which confers the qualification).

(3) This section does not apply in relation to training or guidance in so far as it is training or guidance in relation to which another provision of this Part applies.

(4) This section does not apply in relation to training or guidance for pupils of a school to which section 85 applies in so far as it is training or guidance to which the responsible body of the school has power to afford access (whether as the responsible body of that school or as the responsible body of any other school at which the training or guidance is provided).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) This section does not apply in relation to training or guidance for students of an institution to which section 91 applies in so far as it is training or guidance to which the governing body of the institution has power to afford access.

(6) "Vocational training" means—
- (a) training for employment, or
- (b) work experience (including work experience the duration of which is not agreed until after it begins).

(7) A reference to the provision of a vocational service is a reference to the provision of an employment service within subsection (2)(a) to (d) (or an employment service within subsection (2)(f) or (g) in so far as it is also an employment service within subsection (2)(a) to (d)); and for that purpose—
- (a) the references to an employment service within subsection (2)(a) do not include a reference to vocational training within the meaning given by subsection (6)(b), and
- (b) the references to an employment service within subsection (2)(d) also include a reference to a service for assisting persons to retain employment.

(8) A reference to training includes a reference to facilities for training.

Trade organisations

57 Trade organisations

(1) A trade organisation (A) must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer membership of the organisation;
- (b) as to the terms on which it is prepared to admit B as a member;
- (c) by not accepting B's application for membership.

(2) A trade organisation (A) must not discriminate against a member (B)—
- (a) in the way it affords B access, or by not affording B access, to opportunities for receiving a benefit, facility or service;
- (b) by depriving B of membership;
- (c) by varying the terms on which B is a member;
- (d) by subjecting B to any other detriment.

(3) A trade organisation must not, in relation to membership of it, harass—
- (a) a member, or
- (b) an applicant for membership.

(4) A trade organisation (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer membership of the organisation;
- (b) as to the terms on which it is prepared to admit B as a member;
- (c) by not accepting B's application for membership.

(5) A trade organisation (A) must not victimise a member (B)—
- (a) in the way it affords B access, or by not affording B access, to opportunities for receiving a benefit, facility or service;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) by depriving B of membership;
(c) by varying the terms on which B is a member;
(d) by subjecting B to any other detriment.

(6) A duty to make reasonable adjustments applies to a trade organisation.

(7) A trade organisation is—
(a) an organisation of workers,
(b) an organisation of employers, or
(c) any other organisation whose members carry on a particular trade or profession for the purposes of which the organisation exists.

Local authority members

58 Official business of members

(1) A local authority must not discriminate against a member of the authority in relation to the member's carrying out of official business—
(a) in the way the authority affords the member access, or by not affording the member access, to opportunities for training or for receiving any other facility;
(b) by subjecting the member to any other detriment.

(2) A local authority must not, in relation to a member's carrying out of official business, harass the member.

(3) A local authority must not victimise a member of the authority in relation to the member's carrying out of official business—
(a) in the way the authority affords the member access, or by not affording the member access, to opportunities for training or for receiving any other facility;
(b) by subjecting the member to any other detriment.

(4) A member of a local authority is not subjected to a detriment for the purposes of subsection (1)(b) or (3)(b) only because the member is—
(a) not appointed or elected to an office of the authority,
(b) not appointed or elected to, or to an office of, a committee or sub-committee of the authority, or
(c) not appointed or nominated in exercise of an appointment power of the authority.

(5) In subsection (4)(c), an appointment power of a local authority is a power of the authority, or of a group of bodies including the authority, to make—
(a) appointments to a body;
(b) nominations for appointment to a body.

(6) A duty to make reasonable adjustments applies to a local authority.

59 Interpretation

(1) This section applies for the purposes of section 58.

(2) "Local authority" means—
(a) a county council in England;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) a district council in England;
(c) the Greater London Authority;
(d) a London borough council;
(e) the Common Council of the City of London;
(f) the Council of the Isles of Scilly;
(g) a parish council in England;
(h) a county council in Wales;
(i) a community council in Wales;
(j) a county borough council in Wales;
(k) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
(l) a community council in Scotland.

(3) A Minister of the Crown may by order amend subsection (2) so as to add, vary or omit a reference to a body which exercises functions that have been conferred on a local authority within paragraph (a) to (l).

(4) A reference to the carrying-out of official business by a person who is a member of a local authority is a reference to the doing of anything by the person—
(a) as a member of the authority,
(b) as a member of a body to which the person is appointed by, or appointed following nomination by, the authority or a group of bodies including the authority, or
(c) as a member of any other public body.

(5) "Member", in relation to the Greater London Authority, means—
(a) the Mayor of London;
(b) a member of the London Assembly.

Recruitment

60 Enquiries about disability and health

(1) A person (A) to whom an application for work is made must not ask about the health of the applicant (B)—
(a) before offering work to B, or
(b) where A is not in a position to offer work to B, before including B in a pool of applicants from whom A intends (when in a position to do so) to select a person to whom to offer work.

(2) A contravention of subsection (1) (or a contravention of section 111 or 112 that relates to a contravention of subsection (1)) is enforceable as an unlawful act under Part 1 of the Equality Act 2006 (and, by virtue of section 120(8), is enforceable only by the Commission under that Part).

(3) A does not contravene a relevant disability provision merely by asking about B's health; but A's conduct in reliance on information given in response may be a contravention of a relevant disability provision.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Subsection (5) applies if B brings proceedings before an employment tribunal on a complaint that A's conduct in reliance on information given in response to a question about B's health is a contravention of a relevant disability provision.

(5) In the application of section 136 to the proceedings, the particulars of the complaint are to be treated for the purposes of subsection (2) of that section as facts from which the tribunal could decide that A contravened the provision.

(6) This section does not apply to a question that A asks in so far as asking the question is necessary for the purpose of—

(a) establishing whether B will be able to comply with a requirement to undergo an assessment or establishing whether a duty to make reasonable adjustments is or will be imposed on A in relation to B in connection with a requirement to undergo an assessment,

(b) establishing whether B will be able to carry out a function that is intrinsic to the work concerned,

(c) monitoring diversity in the range of persons applying to A for work,

(d) taking action to which section 158 would apply if references in that section to persons who share (or do not share) a protected characteristic were references to disabled persons (or persons who are not disabled) and the reference to the characteristic were a reference to disability, or

(e) if A applies in relation to the work a requirement to have a particular disability, establishing whether B has that disability.

(7) In subsection (6)(b), where A reasonably believes that a duty to make reasonable adjustments would be imposed on A in relation to B in connection with the work, the reference to a function that is intrinsic to the work is to be read as a reference to a function that would be intrinsic to the work once A complied with the duty.

(8) Subsection (6)(e) applies only if A shows that, having regard to the nature or context of the work—

(a) the requirement is an occupational requirement, and

(b) the application of the requirement is a proportionate means of achieving a legitimate aim.

(9) "Work" means employment, contract work, a position as a partner, a position as a member of an LLP, a pupillage or tenancy, being taken as a devil, membership of a stable, an appointment to a personal or public office, or the provision of an employment service; and the references in subsection (1) to offering a person work are, in relation to contract work, to be read as references to allowing a person to do the work.

(10) A reference to offering work is a reference to making a conditional or unconditional offer of work (and, in relation to contract work, is a reference to allowing a person to do the work subject to fulfilment of one or more conditions).

(11) The following, so far as relating to discrimination within section 13 because of disability, are relevant disability provisions—

(a) section 39(1)(a) or (c);

(b) section 41(1)(b);

(c) section 44(1)(a) or (c);

(d) section 45(1)(a) or (c);

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(e) section 47(1)(a) or (c);
(f) section 48(1)(a) or (c);
(g) section 49(3)(a) or (c);
(h) section 50(3)(a) or (c);
(i) section 51(1);
(j) section 55(1)(a) or (c).

(12) An assessment is an interview or other process designed to give an indication of a person's suitability for the work concerned.

(13) For the purposes of this section, whether or not a person has a disability is to be regarded as an aspect of that person's health.

(14) This section does not apply to anything done for the purpose of vetting applicants for work for reasons of national security.

CHAPTER 2

OCCUPATIONAL PENSION SCHEMES

61 Non-discrimination rule

(1) An occupational pension scheme must be taken to include a non-discrimination rule.

(2) A non-discrimination rule is a provision by virtue of which a responsible person (A)—
(a) must not discriminate against another person (B) in carrying out any of A's functions in relation to the scheme;
(b) must not, in relation to the scheme, harass B;
(c) must not, in relation to the scheme, victimise B.

(3) The provisions of an occupational pension scheme have effect subject to the non-discrimination rule.

(4) The following are responsible persons—
(a) the trustees or managers of the scheme;
(b) an employer whose employees are, or may be, members of the scheme;
(c) a person exercising an appointing function in relation to an office the holder of which is, or may be, a member of the scheme.

(5) A non-discrimination rule does not apply in relation to a person who is a pension credit member of a scheme.

(6) An appointing function is any of the following—
(a) the function of appointing a person;
(b) the function of terminating a person's appointment;
(c) the function of recommending a person for appointment;
(d) the function of approving an appointment.

(7) A breach of a non-discrimination rule is a contravention of this Part for the purposes of Part 9 (enforcement).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) It is not a breach of a non-discrimination rule for the employer or the trustees or managers of a scheme to maintain or use in relation to the scheme rules, practices, actions or decisions relating to age which are of a description specified by order by a Minister of the Crown.

(9) An order authorising the use of rules, practices, actions or decisions which are not in use before the order comes into force must not be made unless the Minister consults such persons as the Minister thinks appropriate.

(10) A non-discrimination rule does not have effect in relation to an occupational pension scheme in so far as an equality rule has effect in relation to it (or would have effect in relation to it but for Part 2 of Schedule 7).

(11) A duty to make reasonable adjustments applies to a responsible person.

Commencement Information

I14 S. 61 wholly in force; s. 61 not in force at Royal Assent see s. 216; s. 61(8)(9) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 61 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(b)** (with art. 15)

62 Non-discrimination alterations

(1) This section applies if the trustees or managers of an occupational pension scheme do not have power to make non-discrimination alterations to the scheme.

(2) This section also applies if the trustees or managers of an occupational pension scheme have power to make non-discrimination alterations to the scheme but the procedure for doing so—

(a) is liable to be unduly complex or protracted, or

(b) involves obtaining consents which cannot be obtained or which can be obtained only with undue delay or difficulty.

(3) The trustees or managers may by resolution make non-discrimination alterations to the scheme.

(4) Non-discrimination alterations may have effect in relation to a period before the date on which they are made.

(5) Non-discrimination alterations to an occupational pension scheme are such alterations to the scheme as may be required for the provisions of the scheme to have the effect that they have in consequence of section 61(3).

63 Communications

(1) In their application to communications the following provisions apply in relation to a disabled person who is a pension credit member of an occupational pension scheme as they apply in relation to a disabled person who is a deferred member or pensioner member of the scheme—

(a) section 61;

(b) section 120;

(c) section 126;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) paragraph 19 of Schedule 8 (and such other provisions of that Schedule as apply for the purposes of that paragraph).

(2) Communications include—

(a) the provision of information;

(b) the operation of a dispute resolution procedure.

CHAPTER 3

EQUALITY OF TERMS

Sex equality

64 Relevant types of work

(1) Sections 66 to 70 apply where—

(a) a person (A) is employed on work that is equal to the work that a comparator of the opposite sex (B) does;

(b) a person (A) holding a personal or public office does work that is equal to the work that a comparator of the opposite sex (B) does.

(2) The references in subsection (1) to the work that B does are not restricted to work done contemporaneously with the work done by A.

65 Equal work

(1) For the purposes of this Chapter, A's work is equal to that of B if it is—

(a) like B's work,

(b) rated as equivalent to B's work, or

(c) of equal value to B's work.

(2) A's work is like B's work if—

(a) A's work and B's work are the same or broadly similar, and

(b) such differences as there are between their work are not of practical importance in relation to the terms of their work.

(3) So on a comparison of one person's work with another's for the purposes of subsection (2), it is necessary to have regard to—

(a) the frequency with which differences between their work occur in practice, and

(b) the nature and extent of the differences.

(4) A's work is rated as equivalent to B's work if a job evaluation study—

(a) gives an equal value to A's job and B's job in terms of the demands made on a worker, or

(b) would give an equal value to A's job and B's job in those terms were the evaluation not made on a sex-specific system.

(5) A system is sex-specific if, for the purposes of one or more of the demands made on a worker, it sets values for men different from those it sets for women.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A's work is of equal value to B's work if it is—
  (a) neither like B's work nor rated as equivalent to B's work, but
  (b) nevertheless equal to B's work in terms of the demands made on A by reference to factors such as effort, skill and decision-making.

66 Sex equality clause

(1) If the terms of A's work do not (by whatever means) include a sex equality clause, they are to be treated as including one.

(2) A sex equality clause is a provision that has the following effect—
  (a) if a term of A's is less favourable to A than a corresponding term of B's is to B, A's term is modified so as not to be less favourable;
  (b) if A does not have a term which corresponds to a term of B's that benefits B, A's terms are modified so as to include such a term.

(3) Subsection (2)(a) applies to a term of A's relating to membership of or rights under an occupational pension scheme only in so far as a sex equality rule would have effect in relation to the term.

(4) In the case of work within section 65(1)(b), a reference in subsection (2) above to a term includes a reference to such terms (if any) as have not been determined by the rating of the work (as well as those that have).

67 Sex equality rule

(1) If an occupational pension scheme does not include a sex equality rule, it is to be treated as including one.

(2) A sex equality rule is a provision that has the following effect—
  (a) if a relevant term is less favourable to A than it is to B, the term is modified so as not to be less favourable;
  (b) if a term confers a relevant discretion capable of being exercised in a way that would be less favourable to A than to B, the term is modified so as to prevent the exercise of the discretion in that way.

(3) A term is relevant if it is—
  (a) a term on which persons become members of the scheme, or
  (b) a term on which members of the scheme are treated.

(4) A discretion is relevant if its exercise in relation to the scheme is capable of affecting—
  (a) the way in which persons become members of the scheme, or
  (b) the way in which members of the scheme are treated.

(5) The reference in subsection (3)(b) to a term on which members of a scheme are treated includes a reference to the term as it has effect for the benefit of dependants of members.

(6) The reference in subsection (4)(b) to the way in which members of a scheme are treated includes a reference to the way in which they are treated as the scheme has effect for the benefit of dependants of members.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[[F41](7) If the effect of a relevant matter on a person (A) differs according to the effect it has on a person of the same sex as A, according to whether A is married, in a civil partnership, or for some other reason due to A's family status, a comparison for the purposes of this section of the effect of that matter on persons of the opposite sex must be with a person of the opposite sex to A who is in the same position as A and in particular—

(a) where A is married to**[**[F42], or the civil partner of,**]** someone of the opposite sex, A is to be compared to a person of the opposite sex to A ("B") where B is married to**[**[F43] or (as the case may be) the civil partner of**]** someone of the opposite sex to B;

[[F44](b) where A is married to, or the civil partner of, someone of the same sex, A is to be compared to B where B is married to or (as the case may be) the civil partner of someone of the same sex as B.**]]**

(8) A relevant matter is—

(a) a relevant term;

(b) a term conferring a relevant discretion;

(c) the exercise of a relevant discretion in relation to an occupational pension scheme.

(9) This section, so far as relating to the terms on which persons become members of an occupational pension scheme, does not have effect in relation to pensionable service before 8 April 1976.

(10) This section, so far as relating to the terms on which members of an occupational pension scheme are treated, does not have effect in relation to pensionable service before 17 May 1990.

Textual Amendments

F41 S. 67(7) substituted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 19(2)**

F42 Words in s. 67(7)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(3)(a)(i)**

F43 Words in s. 67(7)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(3)(a)(ii)**

F44 S. 67(7)(b) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(3)(b)**

68 Sex equality rule: consequential alteration of schemes

(1) This section applies if the trustees or managers of an occupational pension scheme do not have power to make sex equality alterations to the scheme.

(2) This section also applies if the trustees or managers of an occupational pension scheme have power to make sex equality alterations to the scheme but the procedure for doing so—

(a) is liable to be unduly complex or protracted, or

(b) involves obtaining consents which cannot be obtained or which can be obtained only with undue delay or difficulty.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The trustees or managers may by resolution make sex equality alterations to the scheme.

(4) Sex equality alterations may have effect in relation to a period before the date on which they are made.

(5) Sex equality alterations to an occupational pension scheme are such alterations to the scheme as may be required to secure conformity with a sex equality rule.

69 Defence of material factor

(1) The sex equality clause in A's terms has no effect in relation to a difference between A's terms and B's terms if the responsible person shows that the difference is because of a material factor reliance on which—
   (a) does not involve treating A less favourably because of A's sex than the responsible person treats B, and
   (b) if the factor is within subsection (2), is a proportionate means of achieving a legitimate aim.

(2) A factor is within this subsection if A shows that, as a result of the factor, A and persons of the same sex doing work equal to A's are put at a particular disadvantage when compared with persons of the opposite sex doing work equal to A's.

(3) For the purposes of subsection (1), the long-term objective of reducing inequality between men's and women's terms of work is always to be regarded as a legitimate aim.

(4) A sex equality rule has no effect in relation to a difference between A and B in the effect of a relevant matter if the trustees or managers of the scheme in question show that the difference is because of a material factor which is not the difference of sex.

(5) "Relevant matter" has the meaning given in section 67.

(6) For the purposes of this section, a factor is not material unless it is a material difference between A's case and B's.

70 Exclusion of sex discrimination provisions

(1) The relevant sex discrimination provision has no effect in relation to a term of A's that—
   (a) is modified by, or included by virtue of, a sex equality clause or rule, or
   (b) would be so modified or included but for section 69 or Part 2 of Schedule 7.

(2) Neither of the following is sex discrimination for the purposes of the relevant sex discrimination provision—
   (a) the inclusion in A's terms of a term that is less favourable as referred to in section 66(2)(a);
   (b) the failure to include in A's terms a corresponding term as referred to in section 66(2)(b).

(3) The relevant sex discrimination provision is, in relation to work of a description given in the first column of the table, the provision referred to in the second column so far as relating to sex.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Description of work	***Provision***
Employment	Section 39(2)
Appointment to a personal office	Section 49(6)
Appointment to a public office	Section 50(6)

71 Sex discrimination in relation to contractual pay

(1) This section applies in relation to a term of a person's work—
  (a) that relates to pay, but
  (b) in relation to which a sex equality clause or rule has no effect.

(2) The relevant sex discrimination provision (as defined by section 70) has no effect in relation to the term except in so far as treatment of the person amounts to a contravention of the provision by virtue of section 13 or 14.

Pregnancy and maternity equality

72 Relevant types of work

Sections 73 to 76 apply where a woman—
  (a) is employed, or
  (b) holds a personal or public office.

73 Maternity equality clause

(1) If the terms of the woman's work do not (by whatever means) include a maternity equality clause, they are to be treated as including one.

(2) A maternity equality clause is a provision that, in relation to the terms of the woman's work, has the effect referred to in section 74(1), (6) and (8).

(3) In the case of a term relating to membership of or rights under an occupational pension scheme, a maternity equality clause has only such effect as a maternity equality rule would have.

74 Maternity equality clause: pay

(1) A term of the woman's work that provides for maternity-related pay to be calculated by reference to her pay at a particular time is, if each of the following three conditions is satisfied, modified as mentioned in subsection (5).

(2) The first condition is that, after the time referred to in subsection (1) but before the end of the protected period—
  (a) her pay increases, or
  (b) it would have increased had she not been on maternity leave.

(3) The second condition is that the maternity-related pay is not—
  (a) what her pay would have been had she not been on maternity leave, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the difference between the amount of statutory maternity pay to which she is entitled and what her pay would have been had she not been on maternity leave.

(4) The third condition is that the terms of her work do not provide for the maternity-related pay to be subject to—
(a) an increase as mentioned in subsection (2)(a), or
(b) an increase that would have occurred as mentioned in subsection (2)(b).

(5) The modification referred to in subsection (1) is a modification to provide for the maternity-related pay to be subject to—
(a) any increase as mentioned in subsection (2)(a), or
(b) any increase that would have occurred as mentioned in subsection (2)(b).

(6) A term of her work that—
(a) provides for pay within subsection (7), but
(b) does not provide for her to be given the pay in circumstances in which she would have been given it had she not been on maternity leave,

is modified so as to provide for her to be given it in circumstances in which it would normally be given.

(7) Pay is within this subsection if it is—
(a) pay (including pay by way of bonus) in respect of times before the woman is on maternity leave,
(b) pay by way of bonus in respect of times when she is on compulsory maternity leave, or
(c) pay by way of bonus in respect of times after the end of the protected period.

(8) A term of the woman's work that—
(a) provides for pay after the end of the protected period, but
(b) does not provide for it to be subject to an increase to which it would have been subject had she not been on maternity leave,

is modified so as to provide for it to be subject to the increase.

(9) Maternity-related pay is pay (other than statutory maternity pay) to which a woman is entitled—
(a) as a result of being pregnant, or
(b) in respect of times when she is on maternity leave.

(10) A reference to the protected period is to be construed in accordance with section 18.

75 Maternity equality rule

(1) If an occupational pension scheme does not include a maternity equality rule, it is to be treated as including one.

(2) A maternity equality rule is a provision that has the effect set out in subsections (3) and (4).

(3) If a relevant term does not treat time when the woman is on maternity leave as it treats time when she is not, the term is modified so as to treat time when she is on maternity leave as time when she is not.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) If a term confers a relevant discretion capable of being exercised so that time when she is on maternity leave is treated differently from time when she is not, the term is modified so as not to allow the discretion to be exercised in that way.

(5) A term is relevant if it is—
- (a) a term relating to membership of the scheme,
- (b) a term relating to the accrual of rights under the scheme, or
- (c) a term providing for the determination of the amount of a benefit payable under the scheme.

(6) A discretion is relevant if its exercise is capable of affecting—
- (a) membership of the scheme,
- (b) the accrual of rights under the scheme, or
- (c) the determination of the amount of a benefit payable under the scheme.

(7) This section does not require the woman's contributions to the scheme in respect of time when she is on maternity leave to be determined otherwise than by reference to the amount she is paid in respect of that time.

(8) This section, so far as relating to time when she is on ordinary maternity leave but is not being paid by her employer, applies only in a case where the expected week of childbirth began on or after 6 April 2003.

(9) This section, so far as relating to time when she is on additional maternity leave but is not being paid by her employer—
- (a) does not apply to the accrual of rights under the scheme in any case;
- (b) applies for other purposes only in a case where the expected week of childbirth began on or after 5 October 2008.

(10) In this section—
- (a) a reference to being on maternity leave includes a reference to having been on maternity leave, and
- (b) a reference to being paid by the employer includes a reference to receiving statutory maternity pay from the employer.

76 Exclusion of pregnancy and maternity discrimination provisions

(1) The relevant pregnancy and maternity discrimination provision has no effect in relation to a term of the woman's work that is modified by a maternity equality clause or rule.

[[F45](1A) The relevant pregnancy and maternity discrimination provision has no effect in relation to a term of the woman's work—
- (a) that relates to pay, but
- (b) in relation to which a maternity equality clause or rule has no effect.**]**

(2) The inclusion in the woman's terms of a term that requires modification by virtue of section 73(2) or (3) is not pregnancy and maternity discrimination for the purposes of the relevant pregnancy and maternity discrimination provision.

(3) The relevant pregnancy and maternity discrimination provision is, in relation to a description of work given in the first column of the table, the provision referred to in the second column so far as relating to pregnancy and maternity.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Description of work	*Provision*
Employment	Section 39(2)
Appointment to a personal office	Section 49(6)
Appointment to a public office	Section 50(6)

Textual Amendments

F45 S. 76(1A) inserted (30.10.2010) by The Equality Act 2010 (Amendment) Order 2010 (S.I. 2010/2622), **art. 2**

Disclosure of information

77 Discussions about pay

(1) A term of a person's work that purports to prevent or restrict the person (P) from disclosing or seeking to disclose information about the terms of P's work is unenforceable against P in so far as P makes or seeks to make a relevant pay disclosure.

(2) A term of a person's work that purports to prevent or restrict the person (P) from seeking disclosure of information from a colleague about the terms of the colleague's work is unenforceable against P in so far as P seeks a relevant pay disclosure from the colleague; and "colleague" includes a former colleague in relation to the work in question.

(3) A disclosure is a relevant pay disclosure if made for the purpose of enabling the person who makes it, or the person to whom it is made, to find out whether or to what extent there is, in relation to the work in question, a connection between pay and having (or not having) a particular protected characteristic.

(4) The following are to be treated as protected acts for the purposes of the relevant victimisation provision—
   (a) seeking a disclosure that would be a relevant pay disclosure;
   (b) making or seeking to make a relevant pay disclosure;
   (c) receiving information disclosed in a relevant pay disclosure.

(5) The relevant victimisation provision is, in relation to a description of work specified in the first column of the table, section 27 so far as it applies for the purposes of a provision mentioned in the second column.

Description of work	*Provision by virtue of which section 27 has effect*
Employment	Section 39(3) or (4)
Appointment to a personal office	Section 49(5) or (8)
Appointment to a public office	Section 50(5) or (9)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

78 Gender pay gap information

(1) Regulations may require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees.

(2) This section does not apply to—
- (a) an employer who has fewer than 250 employees;
- (b) a person specified in Schedule 19;
- (c) a government department or part of the armed forces not specified in that Schedule.

(3) The regulations may prescribe—
- (a) descriptions of employer;
- (b) descriptions of employee;
- (c) how to calculate the number of employees that an employer has;
- (d) descriptions of information;
- (e) the time at which information is to be published;
- (f) the form and manner in which it is to be published.

(4) Regulations under subsection (3)(e) may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months.

(5) The regulations may make provision for a failure to comply with the regulations—
- (a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale;
- (b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(6) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

Commencement Information

I15 S. 78 in force at 22.8.2016 by S.I. 2016/839, **art. 2**

Supplementary

79 Comparators

(1) This section applies for the purposes of this Chapter.

(2) If A is employed, B is a comparator if subsection (3) or (4) applies.

(3) This subsection applies if—
- (a) B is employed by A's employer or by an associate of A's employer, and
- (b) A and B work at the same establishment.

(4) This subsection applies if—
- (a) B is employed by A's employer or an associate of A's employer,
- (b) B works at an establishment other than the one at which A works, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) common terms apply at the establishments (either generally or as between A and B).

(5) If A holds a personal or public office, B is a comparator if—
(a) B holds a personal or public office, and
(b) the person responsible for paying A is also responsible for paying B.

(6) If A is a relevant member of the House of Commons staff, B is a comparator if—
(a) B is employed by the person who is A's employer under subsection (6) of section 195 of the Employment Rights Act 1996, or
(b) if subsection (7) of that section applies in A's case, B is employed by the person who is A's employer under that subsection.

(7) If A is a relevant member of the House of Lords staff, B is a comparator if B is also a relevant member of the House of Lords staff.

(8) Section 42 does not apply to this Chapter; accordingly, for the purposes of this Chapter only, holding the office of constable is to be treated as holding a personal office.

(9) For the purposes of this section, employers are associated if—
(a) one is a company of which the other (directly or indirectly) has control, or
(b) both are companies of which a third person (directly or indirectly) has control.

80 Interpretation and exceptions

(1) This section applies for the purposes of this Chapter.

(2) The terms of a person's work are—
(a) if the person is employed, the terms of the person's employment that are in the person's contract of employment, contract of apprenticeship or contract to do work personally;
(b) if the person holds a personal or public office, the terms of the person's appointment to the office.

(3) If work is not done at an establishment, it is to be treated as done at the establishment with which it has the closest connection.

(4) A person (P) is the responsible person in relation to another person if—
(a) P is the other's employer;
(b) P is responsible for paying remuneration in respect of a personal or public office that the other holds.

(5) A job evaluation study is a study undertaken with a view to evaluating, in terms of the demands made on a person by reference to factors such as effort, skill and decision-making, the jobs to be done—
(a) by some or all of the workers in an undertaking or group of undertakings, or
(b) in the case of the armed forces, by some or all of the members of the armed forces.

(6) In the case of Crown employment, the reference in subsection (5)(a) to an undertaking is to be construed in accordance with section 191(4) of the Employment Rights Act 1996.

[F46](7) . . . . . .

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) Schedule 7 (exceptions) has effect.

Textual Amendments

F46 S. 80(7) omitted (13.3.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 35(3)**

Commencement Information

I16 S. 80 wholly in force; s. 80 not in force at Royal Assent see s. 216; s. 80(8) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 80 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(e)** (with art. 15)

CHAPTER 4

SUPPLEMENTARY

81 Ships and hovercraft

(1) This Part applies in relation to—
  (a) work on ships,
  (b) work on hovercraft, and
  (c) seafarers,
only in such circumstances as are prescribed.

(2) For the purposes of this section, it does not matter whether employment arises or work is carried out within or outside the United Kingdom.

(3) "Ship" has the same meaning as in the Merchant Shipping Act 1995.

(4) "Hovercraft" has the same meaning as in the Hovercraft Act 1968.

(5) "Seafarer" means a person employed or engaged in any capacity on board a ship or hovercraft.

(6) Nothing in this section affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

Commencement Information

I17 S. 81 wholly in force; s. 81 not in force at Royal Assent see s. 216; s. 81 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 81 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(e)** (with art. 15)

82 Offshore work

(1) Her Majesty may by Order in Council provide that in the case of persons in offshore work—
  (a) specified provisions of this Part apply (with or without modification);
  (b) Northern Ireland legislation making provision for purposes corresponding to any of the purposes of this Part applies (with or without modification).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The Order may—

(a) provide for these provisions, as applied by the Order, to apply to individuals (whether or not British citizens) and bodies corporate (whether or not incorporated under the law of a part of the United Kingdom), whether or not such application affects activities outside the United Kingdom;

(b) make provision for conferring jurisdiction on a specified court or class of court or on employment tribunals in respect of offences, causes of action or other matters arising in connection with offshore work;

(c) exclude from the operation of section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under the provisions mentioned in subsection (1) in connection with offshore work;

(d) provide that such proceedings must not be brought without such consent as may be required by the Order.

(3) "Offshore work" is work for the purposes of—

(a) activities in the territorial sea adjacent to the United Kingdom,

(b) activities such as are mentioned in subsection (2) of section 11 of the Petroleum Act 1998 in waters within subsection (8)(b) or (c) of that section, or

(c) activities mentioned in paragraphs (a) and (b) of section 87(1) of the Energy Act 2004 in waters to which that section applies.

(4) Work includes employment, contract work, a position as a partner or as a member of an LLP, or an appointment to a personal or public office.

(5) Northern Ireland legislation includes an enactment contained in, or in an instrument under, an Act that forms part of the law of Northern Ireland.

(6) In the application to Northern Ireland of subsection (2)(b), the reference to employment tribunals is to be read as a reference to industrial tribunals.

(7) Nothing in this section affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

Commencement Information

I18 S. 82 wholly in force; s. 82 not in force at Royal Assent see s. 216; s. 82 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 82 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(e)** (with art. 15)

83 Interpretation and exceptions

(1) This section applies for the purposes of this Part.

(2) "Employment" means—

(a) employment under a contract of employment, a contract of apprenticeship or a contract personally to do work;

(b) Crown employment;

(c) employment as a relevant member of the House of Commons staff;

(d) employment as a relevant member of the House of Lords staff.

(3) This Part applies to service in the armed forces as it applies to employment by a private person; and for that purpose—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) references to terms of employment, or to a contract of employment, are to be read as including references to terms of service;

(b) references to associated employers are to be ignored.

(4) A reference to an employer or an employee, or to employing or being employed, is (subject to section 212(11)) to be read with subsections (2) and (3); and a reference to an employer also includes a reference to a person who has no employees but is seeking to employ one or more other persons.

(5) "Relevant member of the House of Commons staff" has the meaning given in section 195 of the Employment Rights Act 1996; and such a member of staff is an employee of—

(a) the person who is the employer of that member under subsection (6) of that section, or

(b) if subsection (7) of that section applies in the case of that member, the person who is the employer of that member under that subsection.

(6) "Relevant member of the House of Lords staff" has the meaning given in section 194 of that Act (which provides that such a member of staff is an employee of the Corporate Officer of the House of Lords).

(7) In the case of a person in Crown employment, or in employment as a relevant member of the House of Commons staff, a reference to the person's dismissal is a reference to the termination of the person's employment.

(8) A reference to a personal or public office, or to an appointment to a personal or public office, is to be construed in accordance with section 52.

(9) "Crown employment" has the meaning given in section 191 of the Employment Rights Act 1996.

(10) Schedule 8 (reasonable adjustments) has effect.

(11) Schedule 9 (exceptions) has effect.

Commencement Information

I19 S. 83 wholly in force; s. 83 not in force at Royal Assent see s. 216; s. 83(11) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 83 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(e)** (with art. 15)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 6

EDUCATION

CHAPTER 1

SCHOOLS

Modifications etc. (not altering text)

C10 Pt. 6 Ch. 1: power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by S.I. 2011/1651, **art. 12(b)**); S.I. 2012/320, **art. 2(g)**

84 Application of this Chapter

This Chapter does not apply to the following protected characteristics—

(a) age;

(b) marriage and civil partnership.

85 Pupils: admission and treatment, etc.

(1) The responsible body of a school to which this section applies must not discriminate against a person—

(a) in the arrangements it makes for deciding who is offered admission as a pupil;

(b) as to the terms on which it offers to admit the person as a pupil;

(c) by not admitting the person as a pupil.

(2) The responsible body of such a school must not discriminate against a pupil—

(a) in the way it provides education for the pupil;

(b) in the way it affords the pupil access to a benefit, facility or service;

(c) by not providing education for the pupil;

(d) by not affording the pupil access to a benefit, facility or service;

(e) by excluding the pupil from the school;

(f) by subjecting the pupil to any other detriment.

(3) The responsible body of such a school must not harass—

(a) a pupil;

(b) a person who has applied for admission as a pupil.

(4) The responsible body of such a school must not victimise a person—

(a) in the arrangements it makes for deciding who is offered admission as a pupil;

(b) as to the terms on which it offers to admit the person as a pupil;

(c) by not admitting the person as a pupil.

(5) The responsible body of such a school must not victimise a pupil—

(a) in the way it provides education for the pupil;

(b) in the way it affords the pupil access to a benefit, facility or service;

(c) by not providing education for the pupil;

(d) by not affording the pupil access to a benefit, facility or service;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(e) by excluding the pupil from the school;

(f) by subjecting the pupil to any other detriment.

(6) A duty to make reasonable adjustments applies to the responsible body of such a school.

(7) In relation to England and Wales, this section applies to—

(a) a school maintained by a local authority;

(b) an independent educational institution (other than a special school);

[[F47](ba) an alternative provision Academy that is not an independent educational institution;**]**

(c) a special school (not maintained by a local authority).

(8) In relation to Scotland, this section applies to—

(a) a school managed by an education authority;

(b) an independent school;

(c) a school in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980.

(9) The responsible body of a school to which this section applies is—

(a) if the school is within subsection (7)(a), the local authority or governing body;

(b) if it is within subsection (7)(b) **[**[F48], (ba)**]** or (c), the proprietor;

(c) if it is within subsection (8)(a), the education authority;

(d) if it is within subsection (8)(b), the proprietor;

(e) if it is within subsection (8)(c), the managers.

(10) In the application of section 26 for the purposes of subsection (3), none of the following is a relevant protected characteristic—

(a) gender reassignment;

(b) religion or belief;

(c) sexual orientation.

Textual Amendments

F47 S. 85(7)(ba) inserted (E.W.) (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), arts. 1, 2, **Sch. para. 25(a)**

F48 Word in s. 85(9)(b) inserted (E.W.) (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), arts. 1, 2, **Sch. para. 25(b)**

86 Victimisation of pupils, etc. for conduct of parents, etc.

(1) This section applies for the purposes of section 27 in its application to section 85(4) or (5).

(2) The references to B in paragraphs (a) and (b) of subsection (1) of section 27 include a reference to a parent or sibling of the child in question.

(3) Giving false evidence or information, or making a false allegation, in good faith is not a protected act in a case where—

(a) the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the child has acted in bad faith.

(4) Giving false evidence or information, or making a false allegation, in bad faith, is a protected act in a case where—

(a) the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and

(b) the child has acted in good faith.

(5) In this section—

"child" means a person who has not attained the age of 18;

"sibling" means a brother or sister, a half-brother or half-sister, or a stepbrother or stepsister.

87 [F49Application of enforcement powers under education legislation]

[F50(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.**]**

(1) Sections 496 and 497 of the Education Act 1996 (powers to give directions where responsible body of school in default of obligations, etc.) **[**F51 and section 70 of the Education (Scotland) Act 1980**]** apply to the performance of a duty under section 85.

(2) But neither of sections 496 and 497 of **[**F52the Education Act 1996**]** applies to the performance of a duty under that section by the proprietor of an independent educational institution (other than a special school) **[**F53 or an alternative provision Academy that is not an independent educational institution**][**F54; and section 70 of the Education (Scotland) Act 1980 does not apply to the performance of a duty under that section by the proprietor of an independent school**]**.

[F55(3) In the case of a school in Wales—

(a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 ("the 2013 Act") (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—

(i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and

(ii) sections 3 to 9 and 12 to 16 of that Act did not apply;

(b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—

(i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and

(ii) sections 24 to 27 of that Act did not apply.

(4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).**]**

Textual Amendments

F49 S. 87 title substituted (1.10.2010) by virtue of The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **3**

F50 S. 87(A1) inserted (E.W.) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 11(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F51 Words in s. 87(1) inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **3(a)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F52 Words in s. 87(2) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **3(b)(i)**

F53 Words in s. 87(2) inserted (E.W.) (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), arts. 1, 2, **Sch. para. 26**

F54 Words in s. 87(2) inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **3(b)(ii)**

F55 S. 87(3)(4) inserted (E.W.) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 11(3)**; S.I. 2014/178, art. 2(f) (with art. 3)

88 Disabled pupils: accessibility

Schedule 10 (accessibility) has effect.

89 Interpretation and exceptions

(1) This section applies for the purposes of this Chapter.

(2) Nothing in this Chapter applies to anything done in connection with the content of the curriculum.

(3) "Pupil"—

(a) in relation to England and Wales, has the meaning given in section 3(1) of the Education Act 1996;

(b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

(4) "Proprietor"—

(a) in relation to a school in England and Wales, has the meaning given in section 579(1) of the Education Act 1996;

(b) in relation to a school in Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

(5) "School"—

(a) in relation to England and Wales, has the meaning given in section 4 of the Education Act 1996;

(b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

(6) A reference to a school includes a reference to an independent educational institution in England; and a reference to an independent educational institution in England is to be construed in accordance with Chapter 1 of Part 4 of the Education and Skills Act 2008.

(7) A reference to an independent educational institution is a reference to—

(a) an independent educational institution in England, or

(b) an independent school in Wales.

(8) "Independent school"—

(a) in relation to Wales, has the meaning given in section 463 of the Education Act 1996;

(b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) "Special school" has the meaning given in section 337 of the Education Act 1996.

(10) "Local authority" means—

(a) in relation to England, an English local authority within the meaning of section 162 of the Education and Inspections Act 2006;

(b) in relation to Wales, a Welsh local authority within the meaning of that section.

(11) "Education authority", in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.

(12) Schedule 11 (exceptions) has effect.

CHAPTER 2

FURTHER AND HIGHER EDUCATION

90 Application of this Chapter

This Chapter does not apply to the protected characteristic of marriage and civil partnership.

91 Students: admission and treatment, etc.

(1) The responsible body of an institution to which this section applies must not discriminate against a person—

(a) in the arrangements it makes for deciding who is offered admission as a student;

(b) as to the terms on which it offers to admit the person as a student;

(c) by not admitting the person as a student.

(2) The responsible body of such an institution must not discriminate against a student—

(a) in the way it provides education for the student;

(b) in the way it affords the student access to a benefit, facility or service;

(c) by not providing education for the student;

(d) by not affording the student access to a benefit, facility or service;

(e) by excluding the student;

(f) by subjecting the student to any other detriment.

(3) The responsible body of such an institution must not discriminate against a disabled person—

(a) in the arrangements it makes for deciding upon whom to confer a qualification;

(b) as to the terms on which it is prepared to confer a qualification on the person;

(c) by not conferring a qualification on the person;

(d) by withdrawing a qualification from the person or varying the terms on which the person holds it.

(4) Subsection (3) applies only to disability discrimination.

(5) The responsible body of such an institution must not harass—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a student;
(b) a person who has applied for admission as a student;
(c) a disabled person who holds or has applied for a qualification conferred by the institution.

(6) The responsible body of such an institution must not victimise a person—
(a) in the arrangements it makes for deciding who is offered admission as a student;
(b) as to the terms on which it offers to admit the person as a student;
(c) by not admitting the person as a student.

(7) The responsible body of such an institution must not victimise a student—
(a) in the way it provides education for the student;
(b) in the way it affords the student access to a benefit, facility or service;
(c) by not providing education for the student;
(d) by not affording the student access to a benefit, facility or service;
(e) by excluding the student;
(f) by subjecting the student to any other detriment.

(8) The responsible body of such an institution must not victimise a disabled person—
(a) in the arrangements it makes for deciding upon whom to confer a qualification;
(b) as to the terms on which it is prepared to confer a qualification on the person;
(c) by not conferring a qualification on the person;
(d) by withdrawing a qualification from the person or varying the terms on which the person holds it.

(9) A duty to make reasonable adjustments applies to the responsible body of such an institution.

(10) In relation to England and Wales, this section applies to—
(a) a university;
(b) any other institution within the higher education sector;
(c) an institution within the further education sector.
[[F56](d) a 16 to 19 Academy.**]**

(11) In relation to Scotland, this section applies to—
(a) a university;
(b) a designated institution;
(c) a college of further education.

(12) A responsible body is—
(a) in the case of an institution within subsection (10)(a), (b) or (c), the governing body;
[[F57](aa) in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);**]**
(b) in the case of an institution within subsection (11)(a) or (b), the governing body;
(c) in the case of a college of further education under the management of a board of management, the board of management;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

Textual Amendments

F56 S. 91(10)(d) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 54(1), **Sch. 13 para. 20(2)(a)**; S.I. 2012/924, **art. 2**

F57 S. 91(12)(aa) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 54(1), **Sch. 13 para. 20(2)(b)**; S.I. 2012/924, **art. 2**

92 Further and higher education courses

(1) The responsible body in relation to a course to which this section applies must not discriminate against a person—
- (a) in the arrangements it makes for deciding who is enrolled on the course;
- (b) as to the terms on which it offers to enrol the person on the course;
- (c) by not accepting the person's application for enrolment.

(2) The responsible body in relation to such a course must not discriminate against a person who is enrolled on the course in the services it provides or offers to provide.

(3) The responsible body in relation to such a course must not harass a person who—
- (a) seeks enrolment on the course;
- (b) is enrolled on the course;
- (c) is a user of services provided by the body in relation to the course.

(4) The responsible body in relation to such a course must not victimise a person—
- (a) in the arrangements it makes for deciding who is enrolled on the course;
- (b) as to the terms on which it offers to enrol the person on the course;
- (c) by not accepting the person's application for enrolment.

(5) The responsible body in relation to such a course must not victimise a person who is enrolled on the course in the services it provides or offers to provide.

(6) A duty to make reasonable adjustments applies to the responsible body.

(7) This section applies to—
- (a) a course of further or higher education secured by a responsible body in England or Wales;
- (b) a course of education provided by the governing body of a maintained school under section 80 of the School Standards and Framework Act 1998;
- (c) a course of further education secured by an education authority in Scotland.

(8) A responsible body is—
- (a) a local authority in England or Wales, for the purposes of subsection (7)(a);
- (b) the governing body of a maintained school, for the purposes of subsection (7)(b);
- (c) an education authority in Scotland, for the purposes of subsection (7)(c).

(9) In this section—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"course", in relation to further education, includes each component part of a course if there is no requirement imposed on persons registered for a component part of the course to register for another component part of the course;

"enrolment" includes registration for a component part of a course;

"maintained school" has the meaning given in section 20(7) of the School Standards and Framework Act 1998;

"services" means services of any description which are provided wholly or mainly for persons enrolled on a course to which this section applies.

93 Recreational or training facilities

(1) The responsible body in relation to facilities to which this section applies must not discriminate against a person—
- (a) in the arrangements it makes for deciding who is provided with the facilities;
- (b) as to the terms on which it offers to provide the facilities to the person;
- (c) by not accepting the person's application for provision of the facilities.

(2) The responsible body in relation to such facilities must not discriminate against a person who is provided with the facilities in the services it provides or offers to provide.

(3) The responsible body in relation to such facilities must not harass a person who—
- (a) seeks to have the facilities provided;
- (b) is provided with the facilities;
- (c) is a user of services provided by the body in relation to the facilities.

(4) The responsible body in relation to such facilities must not victimise a person—
- (a) in the arrangements it makes for deciding who is provided with the facilities;
- (b) as to the terms on which it offers to provide the facilities to the person;
- (c) by not accepting the person's application for provision of the facilities.

(5) The responsible body in relation to such facilities must not victimise a person who is provided with the facilities in the services it provides or offers to provide.

(6) A duty to make reasonable adjustments applies to the responsible body.

(7) This section applies to—
- (a) facilities secured by a local authority in England under section 507A or 507B of the Education Act 1996;
- (b) facilities secured by a local authority in Wales under section 508 of that Act;
- (c) recreational or training facilities provided by an education authority in Scotland.

(8) A responsible body is—
- (a) a local authority in England, for the purposes of subsection (7)(a);
- (b) a local authority in Wales, for the purposes of subsection (7)(b);
- (c) an education authority in Scotland, for the purposes of subsection (7)(c).

(9) This section does not apply to the protected characteristic of age, so far as relating to persons who have not attained the age of 18.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

94 Interpretation and exceptions

(1) This section applies for the purposes of this Chapter.

(2) Nothing in this Chapter applies to anything done in connection with the content of the curriculum.

(3) A reference to a student, in relation to an institution, is a reference to a person for whom education is provided by the institution.

(4) A reference to a university includes a reference to a university college and a college, school or hall of a university.

(5) A reference to an institution within the further or higher education sector is to be construed in accordance with section 91 of the Further and Higher Education Act 1992.

(6) "Further education"—
- (a) in relation to England and Wales, has the meaning given in section 2 of the Education Act 1996;
- (b) in relation to Scotland, has the meaning given in section 1(3) of the Further and Higher Education (Scotland) Act 1992.

(7) "Higher education"—
- (a) in relation to England and Wales, means education provided by means of a course of a description mentioned in Schedule 6 to the Education Reform Act 1988;
- (b) in relation to Scotland, has the meaning given in section 38 of the Further and Higher Education (Scotland) Act 1992.

(8) "College of further education" has the meaning given in section 36 of the Further and Higher Education (Scotland) Act 1992.

(9) "Designated institution" has the meaning given in section 44 of that Act.

(10) "Local authority" means—
- (a) in relation to England, an English local authority within the meaning of section 162 of the Education and Inspections Act 2006;
- (b) in relation to Wales, a Welsh local authority within the meaning of that section.

(11) "Education authority" has the meaning given by section 135(1) of the Education (Scotland) Act 1980.

[[F58](11A) A reference to conferring a qualification includes a reference—
- (a) to renewing or extending the conferment of a qualification;
- (b) to authenticating a qualification conferred by another person.**]**

(12) Schedule 12 (exceptions) has effect.

Textual Amendments

F58 S. 94(11A) inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **4**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I20 S. 94 wholly in force; s. 94 not in force at Royal Assent see s. 216; s. 94(12) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 94 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(6)(b)** (with art. 15)

CHAPTER 3

GENERAL QUALIFICATIONS BODIES

95 Application of this Chapter

This Chapter does not apply to the protected characteristic of marriage and civil partnership.

96 Qualifications bodies

(1) A qualifications body (A) must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
- (b) as to the terms on which it is prepared to confer a relevant qualification on B;
- (c) by not conferring a relevant qualification on B.

(2) A qualifications body (A) must not discriminate against a person (B) upon whom A has conferred a relevant qualification—
- (a) by withdrawing the qualification from B;
- (b) by varying the terms on which B holds the qualification;
- (c) by subjecting B to any other detriment.

(3) A qualifications body must not, in relation to conferment by it of a relevant qualification, harass—
- (a) a person who holds the qualification, or
- (b) a person who applies for it.

(4) A qualifications body (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
- (b) as to the terms on which it is prepared to confer a relevant qualification on B;
- (c) by not conferring a relevant qualification on B.

(5) A qualifications body (A) must not victimise a person (B) upon whom A has conferred a relevant qualification—
- (a) by withdrawing the qualification from B;
- (b) by varying the terms on which B holds the qualification;
- (c) by subjecting B to any other detriment.

(6) A duty to make reasonable adjustments applies to a qualifications body.

(7) Subsection (6) does not apply to the body in so far as the appropriate regulator specifies provisions, criteria or practices in relation to which the body—
- (a) is not subject to a duty to make reasonable adjustments;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) is subject to a duty to make reasonable adjustments, but in relation to which such adjustments as the regulator specifies should not be made.

(8) For the purposes of subsection (7) the appropriate regulator must have regard to—
(a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities;
(b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
(c) the need to maintain public confidence in the qualification.

(9) The appropriate regulator—
(a) must not specify any matter for the purposes of subsection (7) unless it has consulted such persons as it thinks appropriate;
(b) must publish matters so specified (including the date from which they are to have effect) in such manner as is prescribed.

(10) The appropriate regulator is—
(a) in relation to a qualifications body that confers qualifications in England, a person prescribed by a Minister of the Crown;
(b) in relation to a qualifications body that confers qualifications in Wales, a person prescribed by the Welsh Ministers;
(c) in relation to a qualifications body that confers qualifications in Scotland, a person prescribed by the Scottish Ministers.

(11) For the purposes of subsection (10), a qualification is conferred in a part of Great Britain if there are, or may reasonably be expected to be, persons seeking to obtain the qualification who are or will be assessed for those purposes wholly or mainly in that part.

Commencement Information

I21 S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 216; s. 96(10)(11) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 96(9)(b) in force for certain purposes at 3.9.2010 by S.I. 2010/2191, **art. 2**; s. 96 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(6)(d)** (with art. 15)

97 Interpretation

(1) This section applies for the purposes of section 96.

(2) A qualifications body is an authority or body which can confer a relevant qualification.

(3) A relevant qualification is an authorisation, qualification, approval or certification of such description as may be prescribed—
(a) in relation to conferments in England, by a Minister of the Crown;
(b) in relation to conferments in Wales, by the Welsh Ministers;
(c) in relation to conferments in Scotland, by the Scottish Ministers.

(4) An authority or body is not a qualifications body in so far as—
(a) it is the responsible body of a school to which section 85 applies,
(b) it is the governing body of an institution to which section 91 applies,
(c) it exercises functions under the Education Acts, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) it exercises functions under the Education (Scotland) Act 1980.

(5) A qualifications body does not include an authority or body of such description, or in such circumstances, as may be prescribed.

(6) A reference to conferring a relevant qualification includes a reference—

(a) to renewing or extending the conferment of a relevant qualification;

(b) to authenticating a relevant qualification conferred by another person.

(7) A reference in section 96(8), (10) or (11) to a qualification is a reference to a relevant qualification.

(8) Subsection (11) of section 96 applies for the purposes of subsection (3) of this section as it applies for the purposes of subsection (10) of that section.

Commencement Information

I22 S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 216; s. 97 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 97 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(6)(d)** (with art. 15)

CHAPTER 4

MISCELLANEOUS

98 Reasonable adjustments

Schedule 13 (reasonable adjustments) has effect.

Commencement Information

I23 S. 98 wholly in force at 1.9.2012; s. 98 not in force at Royal Assent see s. 216; s. 98 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(6)(e)**; s. 99 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(b)**

99 Educational charities and endowments

Schedule 14 (educational charities and endowments) has effect.

PART 7

ASSOCIATIONS

Preliminary

100 Application of this Part

(1) This Part does not apply to the protected characteristic of marriage and civil partnership.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) This Part does not apply to discrimination, harassment or victimisation—
- (a) that is prohibited by Part 3 (services and public functions), Part 4 (premises), Part 5 (work) or Part 6 (education), or
- (b) that would be so prohibited but for an express exception.

Commencement Information

I24 S. 100 wholly in force at 1.10.2012; s. 100 not in force at Royal Assent see s. 216; s. 100 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(a)** (with art. 15); s. 100 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(b)**

Membership, etc.

101 Members and associates

(1) An association (A) must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding who to admit to membership;
- (b) as to the terms on which A is prepared to admit B to membership;
- (c) by not accepting B's application for membership.

(2) An association (A) must not discriminate against a member (B)—
- (a) in the way A affords B access, or by not affording B access, to a benefit, facility or service;
- (b) by depriving B of membership;
- (c) by varying B's terms of membership;
- (d) by subjecting B to any other detriment.

(3) An association (A) must not discriminate against an associate (B)—
- (a) in the way A affords B access, or by not affording B access, to a benefit, facility or service;
- (b) by depriving B of B's rights as an associate;
- (c) by varying B's rights as an associate;
- (d) by subjecting B to any other detriment.

(4) An association must not harass—
- (a) a member;
- (b) a person seeking to become a member;
- (c) an associate.

(5) An association (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding who to admit to membership;
- (b) as to the terms on which A is prepared to admit B to membership;
- (c) by not accepting B's application for membership.

(6) An association (A) must not victimise a member (B)—
- (a) in the way A affords B access, or by not affording B access, to a benefit, facility or service;
- (b) by depriving B of membership;
- (c) by varying B's terms of membership;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) by subjecting B to any other detriment.

(7) An association (A) must not victimise an associate (B)—

(a) in the way A affords B access, or by not affording B access, to a benefit, facility or service;

(b) by depriving B of B's rights as an associate;

(c) by varying B's rights as an associate;

(d) by subjecting B to any other detriment.

Commencement Information

I25 S. 101 wholly in force at 1.10.2012; s. 101 not in force at Royal Assent see s. 216; s. 101 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(a)** (with art. 15); s. 101 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(b)**

102 Guests

(1) An association (A) must not discriminate against a person (B)—

(a) in the arrangements A makes for deciding who to invite, or who to permit to be invited, as a guest;

(b) as to the terms on which A is prepared to invite B, or to permit B to be invited, as a guest;

(c) by not inviting B, or not permitting B to be invited, as a guest.

(2) An association (A) must not discriminate against a guest (B) invited by A or with A's permission (whether express or implied)—

(a) in the way A affords B access, or by not affording B access, to a benefit, facility or service;

(b) by subjecting B to any other detriment.

(3) An association must not harass—

(a) a guest;

(b) a person seeking to be a guest.

(4) An association (A) must not victimise a person (B)—

(a) in the arrangements A makes for deciding who to invite, or who to permit to be invited, as a guest;

(b) as to the terms on which A is prepared to invite B, or to permit B to be invited, as a guest;

(c) by not inviting B, or not permitting B to be invited, as a guest.

(5) An association (A) must not victimise a guest (B) invited by A or with A's permission (whether express or implied)—

(a) in the way A affords B access, or by not affording B access, to a benefit, facility or service;

(b) by subjecting B to any other detriment.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I26 S. 102 wholly in force at 1.10.2012; s. 102 not in force at Royal Assent see s. 216; s. 102 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(a)** (with art. 15); s. 102 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(b)**

103 Sections 101 and 102: further provision

(1) A duty to make reasonable adjustments applies to an association.

(2) In the application of section 26 for the purposes of section 101(4) or 102(3), neither of the following is a relevant protected characteristic—

(a) religion or belief;

(b) sexual orientation.

Commencement Information

I27 S. 103 wholly in force at 1.10.2012; s. 103 not in force at Royal Assent see s. 216; s. 103 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(a)** (with art. 15); s. 103 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(b)**

Special provision for political parties

104 Selection of candidates

(1) This section applies to an association which is a registered political party.

(2) A person does not contravene this Part only by acting in accordance with selection arrangements.

(3) Selection arrangements are arrangements—

(a) which the party makes for regulating the selection of its candidates in a relevant election,

(b) the purpose of which is to reduce inequality in the party's representation in the body concerned, and

(c) which, subject to subsection (7), are a proportionate means of achieving that purpose.

(4) The reference in subsection (3)(b) to inequality in a party's representation in a body is a reference to inequality between—

(a) the number of the party's candidates elected to be members of the body who share a protected characteristic, and

(b) the number of the party's candidates so elected who do not share that characteristic.

(5) For the purposes of subsection (4), persons share the protected characteristic of disability if they are disabled persons (and section 6(3)(b) is accordingly to be ignored).

(6) Selection arrangements do not include short-listing only such persons as have a particular protected characteristic.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) But subsection (6) does not apply to the protected characteristic of sex; and subsection (3)(c) does not apply to short-listing in reliance on this subsection.

(8) The following elections are relevant elections—

(a) Parliamentary Elections;

(b) elections to the European Parliament;

(c) elections to the Scottish Parliament;

(d) elections to the National Assembly for Wales;

(e) local government elections within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 (excluding elections for the Mayor of London).

Commencement Information

I28 S. 104 wholly in force at 1.10.2012; s. 104 not in force at Royal Assent see s. 216; s. 104 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(a)** (with art. 15); s. 104 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(b)**

105 Time-limited provision

(1) Section 104(7) and the words “, subject to subsection (7),” in section 104(3)(c) are repealed at the end of 2030 unless an order is made under subsection (2).

(2) At any time before the end of 2030, a Minister of the Crown may by order provide that subsection (1) is to have effect with the substitution of a later time for that for the time being specified there.

(3) In section 3 of the Sex Discrimination (Election Candidates) Act 2002 (expiry of that Act), in subsection (1) for “2015” substitute “ 2030 ”.

(4) The substitution made by subsection (3) does not affect the power to substitute a later time by order under section 3 of that Act.

Commencement Information

I29 S. 105 wholly in force at 1.10.2012; s. 105 not in force at Royal Assent see s. 216; s. 105 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(a)** (with art. 15); s. 105 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(b)**

PROSPECTIVE

106 Information about diversity in range of candidates, etc.

(1) This section applies to an association which is a registered political party.

(2) If the party had candidates at a relevant election, the party must, in accordance with regulations, publish information relating to protected characteristics of persons who come within a description prescribed in the regulations in accordance with subsection (3).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) One or more of the following descriptions may be prescribed for the purposes of subsection (2)—
- (a) successful applicants for nomination as a candidate at the relevant election;
- (b) unsuccessful applicants for nomination as a candidate at that election;
- (c) candidates elected at that election;
- (d) candidates who are not elected at that election.

(4) The duty imposed by subsection (2) applies only in so far as it is possible to publish information in a manner that ensures that no person to whom the information relates can be identified from that information.

(5) The following elections are relevant elections—
- (a) Parliamentary Elections;
- (b) elections to the European Parliament;
- (c) elections to the Scottish Parliament;
- (d) elections to the National Assembly for Wales.

(6) This section does not apply to the following protected characteristics—
- (a) marriage and civil partnership;
- (b) pregnancy and maternity.

(7) The regulations may provide that the information to be published—
- (a) must (subject to subsection (6)) relate to all protected characteristics or only to such as are prescribed;
- (b) must include a statement, in respect of each protected characteristic to which the information relates, of the proportion that the number of persons who provided the information to the party bears to the number of persons who were asked to provide it.

(8) Regulations under this section may prescribe—
- (a) descriptions of information;
- (b) descriptions of political party to which the duty is to apply;
- (c) the time at which information is to be published;
- (d) the form and manner in which information is to be published;
- (e) the period for which information is to be published.

(9) Provision by virtue of subsection (8)(b) may, in particular, provide that the duty imposed by subsection (2) does not apply to a party which had candidates in fewer constituencies in the election concerned than a prescribed number.

(10) Regulations under this section—
- (a) may provide that the duty imposed by subsection (2) applies only to such relevant elections as are prescribed;
- (b) may provide that a by-election or other election to fill a vacancy is not to be treated as a relevant election or is to be so treated only to a prescribed extent;
- (c) may amend this section so as to provide for the duty imposed by subsection (2) to apply in the case of additional descriptions of election.

(11) Nothing in this section authorises a political party to require a person to provide information to it.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Supplementary

107 Interpretation and exceptions

(1) This section applies for the purposes of this Part.

(2) An "association" is an association of persons—

(a) which has at least 25 members, and

(b) admission to membership of which is regulated by the association's rules and involves a process of selection.

(3) A Minister of the Crown may by order amend subsection (2)(a) so as to substitute a different number for that for the time being specified there.

(4) It does not matter—

(a) whether an association is incorporated;

(b) whether its activities are carried on for profit.

(5) Membership is membership of any description; and a reference to a member is to be construed accordingly.

(6) A person is an "associate", in relation to an association, if the person—

(a) is not a member of the association, but

(b) in accordance with the association's rules, has some or all of the rights as a member as a result of being a member of another association.

(7) A reference to a registered political party is a reference to a party registered in the Great Britain register under Part 2 of the Political Parties, Elections and Referendums Act 2000.

(8) Schedule 15 (reasonable adjustments) has effect.

(9) Schedule 16 (exceptions) has effect.

Commencement Information

I30 S. 107 wholly in force at 1.10.2012; s. 107 not in force at Royal Assent see s. 216; s. 107 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(b)** (with art. 15); s. 107 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(c)**

PART 8

PROHIBITED CONDUCT: ANCILLARY

108 Relationships that have ended

(1) A person (A) must not discriminate against another (B) if—

(a) the discrimination arises out of and is closely connected to a relationship which used to exist between them, and

(b) conduct of a description constituting the discrimination would, if it occurred during the relationship, contravene this Act.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) A person (A) must not harass another (B) if—

(a) the harassment arises out of and is closely connected to a relationship which used to exist between them, and

(b) conduct of a description constituting the harassment would, if it occurred during the relationship, contravene this Act.

(3) It does not matter whether the relationship ends before or after the commencement of this section.

(4) A duty to make reasonable adjustments applies to A **[**[F59]if B is**]** placed at a substantial disadvantage as mentioned in section 20.

(5) For the purposes of subsection (4), sections 20, 21 and 22 and the applicable Schedules are to be construed as if the relationship had not ended.

(6) For the purposes of Part 9 (enforcement), a contravention of this section relates to the Part of this Act that would have been contravened if the relationship had not ended.

(7) But conduct is not a contravention of this section in so far as it also amounts to victimisation of B by A.

Textual Amendments

F59 Words in s. 108(4) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279, arts. 1(2), **5**

109 Liability of employers and principals

(1) Anything done by a person (A) in the course of A's employment must be treated as also done by the employer.

(2) Anything done by an agent for a principal, with the authority of the principal, must be treated as also done by the principal.

(3) It does not matter whether that thing is done with the employer's or principal's knowledge or approval.

(4) In proceedings against A's employer (B) in respect of anything alleged to have been done by A in the course of A's employment it is a defence for B to show that B took all reasonable steps to prevent A—

(a) from doing that thing, or

(b) from doing anything of that description.

(5) This section does not apply to offences under this Act (other than offences under Part 12 (disabled persons: transport)).

110 Liability of employees and agents

(1) A person (A) contravenes this section if—

(a) A is an employee or agent,

(b) A does something which, by virtue of section 109(1) or (2), is treated as having been done by A's employer or principal (as the case may be), and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) the doing of that thing by A amounts to a contravention of this Act by the employer or principal (as the case may be).

(2) It does not matter whether, in any proceedings, the employer is found not to have contravened this Act by virtue of section 109(4).

(3) A does not contravene this section if—

(a) A relies on a statement by the employer or principal that doing that thing is not a contravention of this Act, and

(b) it is reasonable for A to do so.

(4) A person (B) commits an offence if B knowingly or recklessly makes a statement mentioned in subsection (3)(a) which is false or misleading in a material respect.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[[F60](5A) A does not contravene this section if A—

(a) does not conduct a relevant marriage,

(b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or

(c) does not consent to a relevant marriage being conducted,

for the reason that the marriage is the marriage of a same sex couple.

(5B) Subsection (5A) applies to A only if A is within the meaning of " person " for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section. **]**

[[F61](5BA) If A is a protected person, A does not contravene this section if A—

(a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 ("the 2004 Act"), or

(b) does not provide, arrange, facilitate or participate in, or is not present at—

(i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or

(ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(5BB) In subsection (5BA)—

"protected person" has the meaning given by section 30ZA(2) of the 2004 Act;

"religious premises" has the meaning given by section 6A(3C) of the 2004 Act.**]**

[[F62](5C) A does not contravene this section by refusing to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5D) A does not contravene this section by refusing to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(5E) Subsections (5C) and (5D) apply only if A is an approved celebrant.

(5F) Expressions used in subsections (5C) to (5E) have the same meaning as in paragraph 25B of Schedule 3.

(5G) A chaplain does not contravene this section by refusing to solemnise a relevant Scottish forces marriage for the reason that the marriage is the marriage of two persons of the same sex.

(5H) Expressions used in subsection (5G) have the same meaning as in paragraph 25C of Schedule 3.**]**

(6) Part 9 (enforcement) applies to a contravention of this section by A as if it were the contravention mentioned in subsection (1)(c).

(7) The reference in subsection (1)(c) to a contravention of this Act does not include a reference to disability discrimination in contravention of Chapter 1 of Part 6 (schools).

Textual Amendments

F60 S. 110(5A)(5B) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), **ss. 2(5)**, 21(3); S.I. 2014/93, art. 3(a)

F61 S. 110(5BA)(5BB) inserted (E.W.S.) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **10(2)**

F62 S. 110(5C)-(5H) inserted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 19(4)**

111 Instructing, causing or inducing contraventions

(1) A person (A) must not instruct another (B) to do in relation to a third person (C) anything which contravenes Part 3, 4, 5, 6 or 7 or section 108(1) or (2) or 112(1) (a basic contravention).

(2) A person (A) must not cause another (B) to do in relation to a third person (C) anything which is a basic contravention.

(3) A person (A) must not induce another (B) to do in relation to a third person (C) anything which is a basic contravention.

(4) For the purposes of subsection (3), inducement may be direct or indirect.

(5) Proceedings for a contravention of this section may be brought—
- (a) by B, if B is subjected to a detriment as a result of A's conduct;
- (b) by C, if C is subjected to a detriment as a result of A's conduct;
- (c) by the Commission.

(6) For the purposes of subsection (5), it does not matter whether—
- (a) the basic contravention occurs;
- (b) any other proceedings are, or may be, brought in relation to A's conduct.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) This section does not apply unless the relationship between A and B is such that A is in a position to commit a basic contravention in relation to B.

(8) A reference in this section to causing or inducing a person to do something includes a reference to attempting to cause or induce the person to do it.

(9) For the purposes of Part 9 (enforcement), a contravention of this section is to be treated as relating—
  (a) in a case within subsection (5)(a), to the Part of this Act which, because of the relationship between A and B, A is in a position to contravene in relation to B;
  (b) in a case within subsection (5)(b), to the Part of this Act which, because of the relationship between B and C, B is in a position to contravene in relation to C.

112 Aiding contraventions

(1) A person (A) must not knowingly help another (B) to do anything which contravenes Part 3, 4, 5, 6 or 7 or section 108(1) or (2) or 111 (a basic contravention).

(2) It is not a contravention of subsection (1) if—
  (a) A relies on a statement by B that the act for which the help is given does not contravene this Act, and
  (b) it is reasonable for A to do so.

(3) B commits an offence if B knowingly or recklessly makes a statement mentioned in subsection (2)(a) which is false or misleading in a material respect.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) For the purposes of Part 9 (enforcement), a contravention of this section is to be treated as relating to the provision of this Act to which the basic contravention relates.

(6) The reference in subsection (1) to a basic contravention does not include a reference to disability discrimination in contravention of Chapter 1 of Part 6 (schools).

PART 9

ENFORCEMENT

CHAPTER 1

INTRODUCTORY

113 Proceedings

(1) Proceedings relating to a contravention of this Act must be brought in accordance with this Part.

(2) Subsection (1) does not apply to proceedings under Part 1 of the Equality Act 2006.

(3) Subsection (1) does not prevent—
  (a) a claim for judicial review;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) proceedings under the Immigration Acts;
(c) proceedings under the Special Immigration Appeals Commission Act 1997;
(d) in Scotland, an application to the supervisory jurisdiction of the Court of Session.

(4) This section is subject to any express provision of this Act conferring jurisdiction on a court or tribunal.

(5) The reference to a contravention of this Act includes a reference to a breach of an equality clause or rule.

(6) Chapters 2 and 3 do not apply to proceedings relating to an equality clause or rule except in so far as Chapter 4 provides for that.

(7) This section does not apply to—
(a) proceedings for an offence under this Act;
(b) proceedings relating to a penalty under Part 12 (disabled persons: transport).

Commencement Information

I31 S. 113 wholly in force; s. 113 not in force at Royal Assent see s. 216; s. 113 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(a)** (with art. 15, and subject to transitional provision in art. 7)

CHAPTER 2

CIVIL COURTS

114 Jurisdiction

(1) **[**[F63]The county court**]** or, in Scotland, the sheriff has jurisdiction to determine a claim relating to—
(a) a contravention of Part 3 (services and public functions);
(b) a contravention of Part 4 (premises);
(c) a contravention of Part 6 (education);
(d) a contravention of Part 7 (associations);
(e) a contravention of section 108, 111 or 112 that relates to Part 3, 4, 6 or 7.

(2) Subsection (1)(a) does not apply to a claim within section 115.

(3) Subsection (1)(c) does not apply to a claim within section 116.

(4) Subsection (1)(d) does not apply to a contravention of section 106.

(5) For the purposes of proceedings on a claim within subsection (1)(a)—
(a) a decision in proceedings on a claim mentioned in section 115(1) that an act is a contravention of Part 3 is binding;
(b) it does not matter whether the act occurs outside the United Kingdom.

(6) The county court or sheriff—
(a) must not grant an interim injunction or interdict unless satisfied that no criminal matter would be prejudiced by doing so;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) must grant an application to stay or sist proceedings under subsection (1) on grounds of prejudice to a criminal matter unless satisfied the matter will not be prejudiced.

(7) In proceedings in England and Wales on a claim within subsection (1), the power under section 63(1) of the County Courts Act 1984 (appointment of assessors) must be exercised unless the judge is satisfied that there are good reasons for not doing so.

(8) In proceedings in Scotland on a claim within subsection (1), the power under rule 44.3 of Schedule 1 to the Sheriff Court (Scotland) Act 1907 (appointment of assessors) must be exercised unless the sheriff is satisfied that there are good reasons for not doing so.

(9) The remuneration of an assessor appointed by virtue of subsection (8) is to be at a rate determined by the Lord President of the Court of Session.

Textual Amendments

F63 Words in s. 114(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I32 S. 114 wholly in force; s. 114 not in force at Royal Assent see s. 216; s. 114 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(a)** (with art. 15, and subject to transitional provision in art. 7)

115 Immigration cases

(1) A claim is within this section if it relates to the act of an immigration authority in taking a relevant decision and—

(a) the question whether the act is a contravention of Part 3 has been or could be raised on an appeal which is pending, or could be brought, under the immigration provisions, or

(b) it has been decided on an appeal under those provisions that the act is not a contravention of Part 3.

(2) The relevant decision is not—

(a) subject to challenge in proceedings on a claim within section 114(1)(a), or

(b) affected by the decision of a court in such proceedings.

(3) For the purposes of subsection (1)(a) a power to grant permission to appeal out of time must be ignored.

(4) Each of the following is an immigration authority—

(a) the Secretary of State;

(b) an immigration officer;

(c) a person responsible for the grant or refusal of entry clearance (within the meaning of section 33(1) of the Immigration Act 1971).

(5) The immigration provisions are—

(a) the Special Immigration Appeals Commission Act 1997, or

(b) Part 5 of the Nationality, Immigration and Asylum Act 2002.

(6) A relevant decision is—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a decision under the Immigration Acts relating to the entitlement of a person to enter or remain in the United Kingdom;

(b) a decision on an appeal under the immigration provisions relating to a decision within paragraph (a).

(7) An appeal is pending if it is pending for the purposes of section 104 of the Nationality, Immigration and Asylum Act 2002 or (as the case may be) for the purposes of that section as it is applied by section 2(2)(j) of the Special Immigration Appeals Commission Act 1997.

[[F64](8) This section applies in relation to reviews under section 2D **[**[F65]and 2E**]** of the Special Immigration Appeals Commission Act 1997 as it applies in relation to appeals under the immigration provisions.**]**

Textual Amendments

F64 S. 115(8) inserted (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), **Sch. 2 para. 12**; S.I. 2013/1482, art. 2 (with arts. 3, 4)

F65 Words in s. 115(8) inserted (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 59**; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

Commencement Information

I33 S. 115 wholly in force; s. 115 not in force at Royal Assent see s. 216; s. 115 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(a)** (with art. 15, and subject to transitional provision in art. 7)

116 Education cases

(1) A claim is within this section if it may be made to—

(a) the First-tier Tribunal in accordance with Part 2 of Schedule 17,

(b) the Special Educational Needs Tribunal for Wales in accordance with Part 2 of that Schedule, or

(c) **[**[F66]the First-tier Tribunal for Scotland Health and Education Chamber**]** in accordance with Part 3 of that Schedule.

(2) A claim is also within this section if it must be made in accordance with appeal arrangements within the meaning of Part 4 of that Schedule.

(3) Schedule 17 (disabled pupils: enforcement) has effect.

Textual Amendments

F66 Words in s. 116(1)(c) substituted (S.) (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 4(2)**

Commencement Information

I34 S. 116 wholly in force; s. 116 not in force at Royal Assent see s. 216; s. 116(3) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 116(1)(a)(b)(2) wholly in force and s. 116(1)(c)(3) in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(b)-(d)** (with art. 15, and subject

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

to transitional provision in art. 7); s. 116(1)(c)(3) in force at 18.3.2011 in so far as not already in force by S.I. 2010/2317, **art. 3(a)(b)** (with art. 15, and subject to transitional provision in art. 7)

117 National security

(1) Rules of court may, in relation to proceedings on a claim within section 114, confer power as mentioned in subsections (2) to (4); but a power so conferred is exercisable only if the court thinks it expedient to do so in the interests of national security.

(2) The rules may confer power to exclude from all or part of the proceedings—
- (a) the claimant or pursuer;
- (b) a representative of the claimant or pursuer;
- (c) an assessor.

(3) The rules may confer power to permit a claimant, pursuer or representative who has been excluded to make a statement to the court before the commencement of the proceedings, or part of the proceedings, to which the exclusion relates.

(4) The rules may confer power to take steps to keep secret all or part of the reasons for the court's decision.

(5) The Attorney General or, in Scotland, the Advocate General for Scotland may appoint a person to represent the interests of a claimant or pursuer in, or in any part of, proceedings to which an exclusion by virtue of subsection (2)(a) or (b) relates.

(6) A person (P) may be appointed under subsection (5) only if—
- (a) in relation to proceedings in England and Wales, P is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation;
- (b) in relation to proceedings in Scotland, P is an advocate or qualified to practice as a solicitor in Scotland.

(7) P is not responsible to the person whose interests P is appointed to represent.

Commencement Information

I35 S. 117 wholly in force; s. 117 not in force at Royal Assent see s. 216; s. 117(1)-(4) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 117 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(9)(e)** (with art. 15, and subject to transitional provision in art. 7)

118 Time limits

(1) **[**[F67]Subject to**[**[F68]sections 140A and 140AA**]]** proceedings on a claim within section 114 may not be brought after the end of—
- (a) the period of 6 months starting with the date of the act to which the claim relates, or
- (b) such other period as the county court or sheriff thinks just and equitable.

(2) If subsection (3) [F69]... applies, subsection (1)(a) has effect as if for “6 months” there were substituted “ 9 months ”.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) This subsection applies if—

(a) the claim relates to the act of a qualifying institution, and

(b) a complaint relating to the act is referred under the student complaints scheme before the end of the period of 6 months starting with the date of the act.

[F70](4) . . . . . .

(5) If it has been decided under the immigration provisions that the act of an immigration authority in taking a relevant decision is a contravention of Part 3 (services and public functions), subsection (1) has effect as if for paragraph (a) there were substituted—

"(a) the period of 6 months starting with the day after the expiry of the period during which, as a result of section 114(2), proceedings could not be brought in reliance on section 114(1)(a);".

(6) For the purposes of this section—

(a) conduct extending over a period is to be treated as done at the end of the period;

(b) failure to do something is to be treated as occurring when the person in question decided on it.

(7) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—

(a) when P does an act inconsistent with doing it, or

(b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

(8) In this section—

"immigration authority", "immigration provisions" and "relevant decision" each have the meaning given in section 115;

"qualifying institution" has the meaning given in section 11 of the Higher Education Act 2004**[**[F71], and includes an institution which is treated as continuing to be a qualifying institution for the purposes of Part 2 of that Act (see section 20A(2) of that Act)**]**;

"the student complaints scheme" means a scheme for the review of qualifying complaints (within the meaning of section 12 of that Act) that is provided by the designated operator (within the meaning of section 13(5)(b) of that Act).

Textual Amendments

F67 Words in s. 118(1) inserted (20.5.2011 with application as mentioned in regs. 3, 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **reg. 55**

F68 Words in s. 118(1) substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **7(2)** (with reg. 1(3))

F69 Words in s. 118(2) omitted (25.6.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 64(13)(a)**, 103(2)

F70 S. 118(4) omitted (25.6.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 64(13)(b)**, 103(2)

F71 Words in s. 118(8) inserted (1.4.2018) by Higher Education and Research Act 2017 (c. 29), **ss. 89(6)**, 124(5); S.I. 2018/241, reg. 2(l)

Modifications etc. (not altering text)

C11 S. 118(6) applied (1.10.2010) by S.I. 2010/2317, **art. 4(3)** (with art. 15)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I36 S. 118 wholly in force; s. 118 not in force at Royal Assent see s. 216; s. 118 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

119 Remedies

(1) This section applies if **[**[F72]the county court**]** or the sheriff finds that there has been a contravention of a provision referred to in section 114(1).

(2) The county court has power to grant any remedy which could be granted by the High Court—

(a) in proceedings in tort;

(b) on a claim for judicial review.

(3) The sheriff has power to make any order which could be made by the Court of Session—

(a) in proceedings for reparation;

(b) on a petition for judicial review.

(4) An award of damages may include compensation for injured feelings (whether or not it includes compensation on any other basis).

(5) Subsection (6) applies if the county court or sheriff—

(a) finds that a contravention of a provision referred to in section 114(1) is established by virtue of section 19, but

(b) is satisfied that the provision, criterion or practice was not applied with the intention of discriminating against the claimant or pursuer.

(6) The county court or sheriff must not make an award of damages unless it first considers whether to make any other disposal.

(7) The county court or sheriff must not grant a remedy other than an award of damages or the making of a declaration unless satisfied that no criminal matter would be prejudiced by doing so.

Textual Amendments

F72 Words in s. 119(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I37 S. 119 wholly in force; s. 119 not in force at Royal Assent see s. 216; s. 119 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

CHAPTER 3

EMPLOYMENT TRIBUNALS

120 Jurisdiction

(1) An employment tribunal has, subject to section 121, jurisdiction to determine a complaint relating to—
  (a) a contravention of Part 5 (work);
  (b) a contravention of section 108, 111 or 112 that relates to Part 5.

(2) An employment tribunal has jurisdiction to determine an application by a responsible person (as defined by section 61) for a declaration as to the rights of that person and a worker in relation to a dispute about the effect of a non-discrimination rule.

(3) An employment tribunal also has jurisdiction to determine an application by the trustees or managers of an occupational pension scheme for a declaration as to their rights and those of a member in relation to a dispute about the effect of a non-discrimination rule.

(4) An employment tribunal also has jurisdiction to determine a question that—
  (a) relates to a non-discrimination rule, and
  (b) is referred to the tribunal by virtue of section 122.

(5) In proceedings before an employment tribunal on a complaint relating to a breach of a non-discrimination rule, the employer—
  (a) is to be treated as a party, and
  (b) is accordingly entitled to appear and be heard.

(6) Nothing in this section affects such jurisdiction as the High Court, **[**[F73]the county court**]**, the Court of Session or the sheriff has in relation to a non-discrimination rule.

(7) Subsection (1)(a) does not apply to a contravention of section 53 in so far as the act complained of may, by virtue of an enactment, be subject to an appeal or proceedings in the nature of an appeal.

(8) In subsection (1), the references to Part 5 do not include a reference to section 60(1).

Textual Amendments

F73 Words in s. 120(6) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I38 S. 120 wholly in force; s. 120 not in force at Royal Assent see s. 216; s. 120 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

121 Armed forces cases

(1) Section 120(1) does not apply to a complaint relating to an act done when the complainant was serving as a member of the armed forces unless—
  (a) the complainant has made a service complaint about the matter, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the complaint has not been withdrawn.

[[F74](2) Where the complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the 2006 Act, it is to be treated for the purposes of subsection (1)(b) as withdrawn if—

(a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person's or panel's decision expires, and

(b) either—

(i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6) of the 2006 Act (review of decision that appeal brought out of time cannot proceed), or

(ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person's or panel's decision cannot be proceeded with.**]**

[F75](3) . . . . . .

[F75](4) . . . . . .

(5) The making of a complaint to an employment tribunal in reliance on subsection (1) does not affect the continuation of **[**[F76] the procedures set out in service complaints regulations. **]**

[[F77](6) In this section—

"the 2006 Act" means the Armed Forces Act 2006;

"service complaints regulations" means regulations made under section 340B(1) of the 2006 Act.**]**

Textual Amendments

F74 S. 121(2) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 13(2)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

F75 S. 121(3)(4) omitted (1.1.2016) by virtue of Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 13(3)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

F76 Words in s. 121(5) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 13(4)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

F77 S. 121(6) inserted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 13(5)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

Commencement Information

I39 S. 121 wholly in force; s. 121 not in force at Royal Assent see s. 216; s. 121 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

122 References by court to tribunal, etc.

(1) If it appears to a court in which proceedings are pending that a claim or counter-claim relating to a non-discrimination rule could more conveniently be determined by an employment tribunal, the court may strike out the claim or counter-claim.

(2) If in proceedings before a court a question arises about a non-discrimination rule, the court may (whether or not on an application by a party to the proceedings)—

(a) refer the question, or direct that it be referred by a party to the proceedings, to an employment tribunal for determination, and

(b) stay or sist the proceedings in the meantime.

Commencement Information

I40 S. 122 wholly in force; s. 122 not in force at Royal Assent see s. 216; s. 122 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

123 Time limits

(1) **[**[F78]Subject to **[**[F79]sections 140A and 140B**]]** proceedings on a complaint within section 120 may not be brought after the end of—

(a) the period of 3 months starting with the date of the act to which the complaint relates, or

(b) such other period as the employment tribunal thinks just and equitable.

(2) Proceedings may not be brought in reliance on section 121(1) after the end of—

(a) the period of 6 months starting with the date of the act to which the proceedings relate, or

(b) such other period as the employment tribunal thinks just and equitable.

(3) For the purposes of this section—

(a) conduct extending over a period is to be treated as done at the end of the period;

(b) failure to do something is to be treated as occurring when the person in question decided on it.

(4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—

(a) when P does an act inconsistent with doing it, or

(b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

Textual Amendments

F78 Words in s. 123(1) inserted (20.5.2011 with application as mentioned in regs. 3, 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **reg. 56**

F79 Words in s. 123(1) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 43**; S.I. 2014/253, art. 3(g)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I41 S. 123 wholly in force; s. 123 not in force at Royal Assent see s. 216; s. 123 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

124 Remedies: general

(1) This section applies if an employment tribunal finds that there has been a contravention of a provision referred to in section 120(1).

(2) The tribunal may—

(a) make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;

(b) order the respondent to pay compensation to the complainant;

(c) make an appropriate recommendation.

(3) An appropriate recommendation is a recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect**[**[F80]on the complainant **]** of any matter to which the proceedings relate—

[F81](a) . . . . . .

[F81](b) . . . . . .

(4) Subsection (5) applies if the tribunal—

(a) finds that a contravention is established by virtue of section 19, but

(b) is satisfied that the provision, criterion or practice was not applied with the intention of discriminating against the complainant.

(5) It must not make an order under subsection (2)(b) unless it first considers whether to act under subsection (2)(a) or (c).

(6) The amount of compensation which may be awarded under subsection (2)(b) corresponds to the amount which could be awarded by **[**[F82]the county court**]** or the sheriff under section 119.

(7) If a respondent fails, without reasonable excuse, to comply with an appropriate recommendation[F83]..., the tribunal may—

(a) if an order was made under subsection (2)(b), increase the amount of compensation to be paid;

(b) if no such order was made, make one.

Textual Amendments

F80 Words in s. 124(3) inserted (1.10.2015) by Deregulation Act 2015 (c. 20), **ss. 2(1)(a)**, 115(7); S.I. 2015/994, art. 11(a) (with Sch. Pt. 1)

F81 S. 124(3)(a)(b) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 2(1)(b)**, 115(7); S.I. 2015/994, art. 11(a) (with Sch. Pt. 1)

F82 Words in s. 124(6) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F83 Words in s. 124(7) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 2(2)(a)**, 115(7); S.I. 2015/994, art. 11(a) (with Sch. Pt. 1)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I42 S. 124 wholly in force; s. 124 not in force at Royal Assent see s. 216; s. 124 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

F84 125 Remedies: national security

. . . . . .

Textual Amendments

F84 S. 125 omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 2(2)(b)**, 115(7); S.I. 2015/994, art. 11(a) (with Sch. Pt. 1)

Commencement Information

I43 S. 125 wholly in force; s. 125 not in force at Royal Assent see s. 216; s. 125 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

126 Remedies: occupational pension schemes

(1) This section applies if an employment tribunal finds that there has been a contravention of a provision referred to in section 120(1) in relation to—
  (a) the terms on which persons become members of an occupational pension scheme, or
  (b) the terms on which members of an occupational pension scheme are treated.

(2) In addition to anything which may be done by the tribunal under section 124 the tribunal may also by order declare—
  (a) if the complaint relates to the terms on which persons become members of a scheme, that the complainant has a right to be admitted to the scheme;
  (b) if the complaint relates to the terms on which members of the scheme are treated, that the complainant has a right to membership of the scheme without discrimination.

(3) The tribunal may not make an order under subsection (2)(b) of section 124 unless—
  (a) the compensation is for injured feelings, or
  (b) the order is made by virtue of subsection (7) of that section.

(4) An order under subsection (2)—
  (a) may make provision as to the terms on which or the capacity in which the claimant is to enjoy the admission or membership;
  (b) may have effect in relation to a period before the order is made.

Commencement Information

I44 S. 126 wholly in force; s. 126 not in force at Royal Assent see s. 216; s. 126 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

CHAPTER 4

EQUALITY OF TERMS

127 Jurisdiction

(1) An employment tribunal has, subject to subsection (6), jurisdiction to determine a complaint relating to a breach of an equality clause or rule.

(2) The jurisdiction conferred by subsection (1) includes jurisdiction to determine a complaint arising out of a breach of an equality clause or rule; and a reference in this Chapter to a complaint relating to such a breach is to be read accordingly.

(3) An employment tribunal also has jurisdiction to determine an application by a responsible person for a declaration as to the rights of that person and a worker in relation to a dispute about the effect of an equality clause or rule.

(4) An employment tribunal also has jurisdiction to determine an application by the trustees or managers of an occupational pension scheme for a declaration as to their rights and those of a member in relation to a dispute about the effect of an equality rule.

(5) An employment tribunal also has jurisdiction to determine a question that—
  (a) relates to an equality clause or rule, and
  (b) is referred to the tribunal by virtue of section 128(2).

(6) This section does not apply to a complaint relating to an act done when the complainant was serving as a member of the armed forces unless—
  (a) the complainant has made a service complaint about the matter, and
  (b) the complaint has not been withdrawn.

(7) **[**[F85]Subsections (2) to (6) **]** of section 121 apply for the purposes of subsection (6) of this section as they apply for the purposes of subsection (1) of that section.

(8) In proceedings before an employment tribunal on a complaint relating to a breach of an equality rule, the employer—
  (a) is to be treated as a party, and
  (b) is accordingly entitled to appear and be heard.

(9) Nothing in this section affects such jurisdiction as the High Court, **[**[F86]the county court**]**, the Court of Session or the sheriff has in relation to an equality clause or rule.

Textual Amendments

F85 Words in s. 127(7) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 14**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

F86 Words in s. 127(9) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I45 S. 127 wholly in force; s. 127 not in force at Royal Assent see s. 216; s. 127 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

128 References by court to tribunal, etc.

(1) If it appears to a court in which proceedings are pending that a claim or counter-claim relating to an equality clause or rule could more conveniently be determined by an employment tribunal, the court may strike out the claim or counter-claim.

(2) If in proceedings before a court a question arises about an equality clause or rule, the court may (whether or not on an application by a party to the proceedings)—

(a) refer the question, or direct that it be referred by a party to the proceedings, to an employment tribunal for determination, and

(b) stay or sist the proceedings in the meantime.

Commencement Information

I46 S. 128 wholly in force; s. 128 not in force at Royal Assent see s. 216; s. 128 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

129 Time limits

(1) This section applies to—

(a) a complaint relating to a breach of an equality clause or rule;

(b) an application for a declaration referred to in section 127(3) or (4).

(2) Proceedings on the complaint or application may not be brought in an employment tribunal after the end of the qualifying period.

(3) If the complaint or application relates to terms of work other than terms of service in the armed forces, the qualifying period is, in a case mentioned in the first column of the table, the period mentioned in the second column **[**[F87], subject to **[**[F88]sections 140A and 140B**]]**.

Case	*Qualifying period*
A standard case	The period of 6 months beginning with the last day of the employment or appointment.
A stable work case (but not if it is also a concealment or incapacity case (or both))	The period of 6 months beginning with the day on which the stable working relationship ended.
A concealment case (but not if it is also an incapacity case)	The period of 6 months beginning with the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact.
An incapacity case (but not if it is also a concealment case)	The period of 6 months beginning with the day on which the worker ceased to have the incapacity.
A case which is a concealment case and an incapacity case.	The period of 6 months beginning with the later of the days on which the period would begin if the case were merely a concealment or incapacity case.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) If the complaint or application relates to terms of service in the armed forces, the qualifying period is, in a case mentioned in the first column of the table, the period mentioned in the second column**[**[F89], subject to section 140B**]**.

Case	*Qualifying period*
A standard case	The period of 9 months beginning with the last day of the period of service during which the complaint arose.
A concealment case (but not if it is also an incapacity case)	The period of 9 months beginning with the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact.
An incapacity case (but not if it is also a concealment case)	The period of 9 months beginning with the day on which the worker ceased to have the incapacity.
A case which is a concealment case and an incapacity case.	The period of 9 months beginning with the later of the days on which the period would begin if the case were merely a concealment or incapacity case.

Textual Amendments

F87 Words in s. 129(3) inserted (20.5.2011 with application as mentioned in regs. 3, 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **reg. 57**

F88 Words in s. 129(3) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 44(a)**; S.I. 2014/253, art. 3(g)

F89 Words in s. 129(4) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 44(b)**; S.I. 2014/253, art. 3(g)

Commencement Information

I47 S. 129 wholly in force; s. 129 not in force at Royal Assent see s. 216; s. 129 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

130 Section 129: supplementary

(1) This section applies for the purposes of section 129.

(2) A standard case is a case which is not—
- (a) a stable work case,
- (b) a concealment case,
- (c) an incapacity case, or
- (d) a concealment case and an incapacity case.

(3) A stable work case is a case where the proceedings relate to a period during which there was a stable working relationship between the worker and the responsible person (including any time after the terms of work had expired).

(4) A concealment case in proceedings relating to an equality clause is a case where—
- (a) the responsible person deliberately concealed a qualifying fact from the worker, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the worker did not discover (or could not with reasonable diligence have discovered) the qualifying fact until after the relevant day.

(5) A concealment case in proceedings relating to an equality rule is a case where—

(a) the employer or the trustees or managers of the occupational pension scheme in question deliberately concealed a qualifying fact from the member, and

(b) the member did not discover (or could not with reasonable diligence have discovered) the qualifying fact until after the relevant day.

(6) A qualifying fact for the purposes of subsection (4) or (5) is a fact—

(a) which is relevant to the complaint, and

(b) without knowledge of which the worker or member could not reasonably have been expected to bring the proceedings.

(7) An incapacity case in proceedings relating to an equality clause with respect to terms of work other than terms of service in the armed forces is a case where the worker had an incapacity during the period of 6 months beginning with the later of—

(a) the relevant day, or

(b) the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the worker by the responsible person.

(8) An incapacity case in proceedings relating to an equality clause with respect to terms of service in the armed forces is a case where the worker had an incapacity during the period of 9 months beginning with the later of—

(a) the last day of the period of service during which the complaint arose, or

(b) the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the worker by the responsible person.

(9) An incapacity case in proceedings relating to an equality rule is a case where the member of the occupational pension scheme in question had an incapacity during the period of 6 months beginning with the later of—

(a) the relevant day, or

(b) the day on which the member discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the member by the employer or the trustees or managers of the scheme.

(10) The relevant day for the purposes of this section is—

(a) the last day of the employment or appointment, or

(b) the day on which the stable working relationship between the worker and the responsible person ended.

Commencement Information

I48 S. 130 wholly in force; s. 130 not in force at Royal Assent see s. 216; s. 130 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

131 Assessment of whether work is of equal value

(1) This section applies to proceedings before an employment tribunal on—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a complaint relating to a breach of an equality clause or rule, or
(b) a question referred to the tribunal by virtue of section 128(2).

(2) Where a question arises in the proceedings as to whether one person's work is of equal value to another's, the tribunal may, before determining the question, require a member of the panel of independent experts to prepare a report on the question.

(3) The tribunal may withdraw a requirement that it makes under subsection (2); and, if it does so, it may—
(a) request the panel member to provide it with specified documentation;
(b) make such other requests to that member as are connected with the withdrawal of the requirement.

(4) If the tribunal requires the preparation of a report under subsection (2) (and does not withdraw the requirement), it must not determine the question unless it has received the report.

(5) Subsection (6) applies where—
(a) a question arises in the proceedings as to whether the work of one person (A) is of equal value to the work of another (B), and
(b) A's work and B's work have been given different values by a job evaluation study.

(6) The tribunal must determine that A's work is not of equal value to B's work unless it has reasonable grounds for suspecting that the evaluation contained in the study—
(a) was based on a system that discriminates because of sex, or
(b) is otherwise unreliable.

(7) For the purposes of subsection (6)(a), a system discriminates because of sex if a difference (or coincidence) between values that the system sets on different demands is not justifiable regardless of the sex of the person on whom the demands are made.

(8) A reference to a member of the panel of independent experts is a reference to a person—
(a) who is for the time being designated as such by the Advisory, Conciliation and Arbitration Service (ACAS) for the purposes of this section, and
(b) who is neither a member of the Council of ACAS nor one of its officers or members of staff.

(9) "Job evaluation study" has the meaning given in section 80(5).

Commencement Information

I49 S. 131 wholly in force; s. 131 not in force at Royal Assent see s. 216; s. 131 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

132 Remedies in non-pensions cases

(1) This section applies to proceedings before a court or employment tribunal on a complaint relating to a breach of an equality clause, other than a breach with respect to membership of or rights under an occupational pension scheme.

(2) If the court or tribunal finds that there has been a breach of the equality clause, it may—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) make a declaration as to the rights of the parties in relation to the matters to which the proceedings relate;

(b) order an award by way of arrears of pay or damages in relation to the complainant.

(3) The court or tribunal may not order a payment under subsection (2)(b) in respect of a time before the arrears day.

(4) In relation to proceedings in England and Wales, the arrears day is, in a case mentioned in the first column of the table, the day mentioned in the second column.

Case	*Arrears day*
A standard case	The day falling 6 years before the day on which the proceedings were instituted.
A concealment case or an incapacity case (or a case which is both).	The day on which the breach first occurred.

(5) In relation to proceedings in Scotland, the arrears day is the first day of—

(a) the period of 5 years ending with the day on which the proceedings were commenced, or

(b) if the case involves a relevant incapacity, or a relevant fraud or error, **[**[F90]the period determined in accordance with section 135(6) and (7)**]**.

Textual Amendments

F90 Words in s. 132(5)(b) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **6**

Commencement Information

I50 S. 132 wholly in force; s. 132 not in force at Royal Assent see s. 216; s. 132 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

133 Remedies in pensions cases

(1) This section applies to proceedings before a court or employment tribunal on a complaint relating to—

(a) a breach of an equality rule, or

(b) a breach of an equality clause with respect to membership of, or rights under, an occupational pension scheme.

(2) If the court or tribunal finds that there has been a breach as referred to in subsection (1)—

(a) it may make a declaration as to the rights of the parties in relation to the matters to which the proceedings relate;

(b) it must not order arrears of benefits or damages or any other amount to be paid to the complainant.

(3) Subsection (2)(b) does not apply if the proceedings are proceedings to which section 134 applies.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) If the breach relates to a term on which persons become members of the scheme, the court or tribunal may declare that the complainant is entitled to be admitted to the scheme with effect from a specified date.

(5) A date specified for the purposes of subsection (4) must not be before 8 April 1976.

(6) If the breach relates to a term on which members of the scheme are treated, the court or tribunal may declare that the complainant is, in respect of a specified period, entitled to secure the rights that would have accrued if the breach had not occurred.

(7) A period specified for the purposes of subsection (6) must not begin before 17 May 1990.

(8) If the court or tribunal makes a declaration under subsection (6), the employer must provide such resources to the scheme as are necessary to secure for the complainant (without contribution or further contribution by the complainant or other members) the rights referred to in that subsection.

Commencement Information

I51 S. 133 wholly in force; s. 133 not in force at Royal Assent see s. 216; s. 133 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

134 Remedies in claims for arrears brought by pensioner members

(1) This section applies to proceedings before a court or employment tribunal on a complaint by a pensioner member of an occupational pension scheme relating to a breach of an equality clause or rule with respect to a term on which the member is treated.

(2) If the court or tribunal finds that there has been a breach referred to in subsection (1), it may—

(a) make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;

(b) order an award by way of arrears of benefits or damages or of any other amount in relation to the complainant.

(3) The court or tribunal must not order an award under subsection (2)(b) in respect of a time before the arrears day.

(4) If the court or tribunal orders an award under subsection (2)(b), the employer must provide such resources to the scheme as are necessary to secure for the complainant (without contribution or further contribution by the complainant or other members) the amount of the award.

(5) In relation to proceedings in England and Wales, the arrears day is, in a case mentioned in the first column of the table, the day mentioned in the second column.

Case	*Arrears day*
A standard case	The day falling 6 years before the day on which the proceedings were commenced.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

A concealment case or an incapacity case (or a case which is both).	The day on which the breach first occurred.

(6) In relation to proceedings in Scotland, the arrears day is the first day of—
- (a) the period of 5 years ending with the day on which the proceedings were commenced, or
- (b) if the case involves a relevant incapacity, or a relevant fraud or error, **[**[F91]the period determined in accordance with section 135(6) and (7)**]**.

Textual Amendments

F91 Words in s. 134(6)(b) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **6**

Commencement Information

I52 S. 134 wholly in force; s. 134 not in force at Royal Assent see s. 216; s. 134 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

135 Supplementary

(1) This section applies for the purposes of sections 132 to 134.

(2) A standard case is a case which is not—
- (a) a concealment case,
- (b) an incapacity case, or
- (c) a concealment case and an incapacity case.

(3) A concealment case in relation to an equality clause is a case where—
- (a) the responsible person deliberately concealed a qualifying fact (as defined by section 130) from the worker, and
- (b) the worker commenced the proceedings before the end of the period of 6 years beginning with the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact.

(4) A concealment case in relation to an equality rule is a case where—
- (a) the employer or the trustees or managers of the occupational pension scheme in question deliberately concealed a qualifying fact (as defined by section 130) from the member, and
- (b) the member commenced the proceedings before the end of the period of 6 years beginning with the day on which the member discovered (or could with reasonable diligence have discovered) the qualifying fact.

(5) An incapacity case is a case where the worker or member—
- (a) had an incapacity when the breach first occurred, and
- (b) commenced the proceedings before the end of the period of 6 years beginning with the day on which the worker or member ceased to have the incapacity.

(6) A case involves a relevant incapacity or a relevant fraud or error if the period of 5 years referred to in section 132(5)(a) **[**[F92]or 134(6)(a)**]** is, as a result of subsection (7) below, reckoned as a period of more than **[**[F93]5 years; and—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) if, as a result of subsection (7), that period is reckoned as a period of more than 5 years but no more than 20 years, the period for the purposes of section 132(5)(b) or (as the case may be) section 134(6)(b) is that extended period;

(b) if, as a result of subsection (7), that period is reckoned as a period of more than 20 years, the period for the purposes of section 132(5)(b) or (as the case may be) section 134(6)(b) is a period of 20 years.**]**

(7) For the purposes of the reckoning referred to in subsection (6), no account is to be taken of time when the worker or member—

(a) had an incapacity, or

(b) was induced by a relevant fraud or error to refrain from commencing proceedings (not being a time after the worker or member could with reasonable diligence have discovered the fraud or error).

(8) For the purposes of subsection (7)—

(a) a fraud is relevant in relation to an equality clause if it is a fraud on the part of the responsible person;

(b) an error is relevant in relation to an equality clause if it is induced by the words or conduct of the responsible person;

(c) a fraud is relevant in relation to an equality rule if it is a fraud on the part of the employer or the trustees or managers of the scheme;

(d) an error is relevant in relation to an equality rule if it is induced by the words or conduct of the employer or the trustees or managers of the scheme.

(9) A reference in subsection (8) to the responsible person, the employer or the trustees or managers includes a reference to a person acting on behalf of the person or persons concerned.

(10) In relation to terms of service, a reference in section 132(5) or subsection (3) or (5)(b) of this section to commencing proceedings is to be read as a reference to making a service complaint.

(11) A reference to a pensioner member of a scheme includes a reference to a person who is entitled to the present payment of pension or other benefits derived through a member.

(12) In relation to proceedings before a court—

(a) a reference to a complaint is to be read as a reference to a claim, and

(b) a reference to a complainant is to be read as a reference to a claimant.

Textual Amendments

F92 Words in s. 135(6) inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **7(a)**

F93 Words in s. 135(6) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), **7(b)**

Commencement Information

I53 S. 135 wholly in force; s. 135 not in force at Royal Assent see s. 216; s. 135 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

CHAPTER 5

MISCELLANEOUS

136 Burden of proof

(1) This section applies to any proceedings relating to a contravention of this Act.

(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.

(3) But subsection (2) does not apply if A shows that A did not contravene the provision.

(4) The reference to a contravention of this Act includes a reference to a breach of an equality clause or rule.

(5) This section does not apply to proceedings for an offence under this Act.

(6) A reference to the court includes a reference to—
- (a) an employment tribunal;
- (b) the Asylum and Immigration Tribunal;
- (c) the Special Immigration Appeals Commission;
- (d) the First-tier Tribunal;
- (e) the Special Educational Needs Tribunal for Wales;
- (f) **[**[F94]the First-tier Tribunal for Scotland Health and Education Chamber**]** .

Textual Amendments

F94 Words in s. 136(6)(f) substituted (S.) (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 4(3)**

Commencement Information

I54 S. 136 wholly in force; s. 136 not in force at Royal Assent see s. 216; s. 136(1)-(5)(6)(a)-(e) in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(g)** (with art. 15, and subject to transitional provision in art. 7); s. 136(6)(f) in force at 18.3.2011 by S.I. 2010/2317, **art. 3(c)** (with art. 15, and subject to transitional provision in art. 7)

137 Previous findings

(1) A finding in relevant proceedings in respect of an act which has become final is to be treated as conclusive in proceedings under this Act.

(2) Relevant proceedings are proceedings before a court or employment tribunal under any of the following—
- (a) section 19 or 20 of the Race Relations Act 1968;
- (b) the Equal Pay Act 1970;
- (c) the Sex Discrimination Act 1975;
- (d) the Race Relations Act 1976;
- (e) section 6(4A) of the Sex Discrimination Act 1986;
- (f) the Disability Discrimination Act 1995;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(g) Part 2 of the Equality Act 2006;

(h) the Employment Equality (Religion and Belief) Regulations 2003 (S.I. 2003/1660);

(i) the Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661);

(j) the Employment Equality (Age) Regulations 2006 (S.I. 2006/1031);

(k) the Equality Act (Sexual Orientation) Regulations 2007 (S.I. 2007/1263).

(3) A finding becomes final—

(a) when an appeal against the finding is dismissed, withdrawn or abandoned, or

(b) when the time for appealing expires without an appeal having been brought.

Commencement Information

I55 S. 137 wholly in force; s. 137 not in force at Royal Assent see s. 216; s. 137 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(h)** (with art. 15, and subject to transitional provision in art. 7)

[F95]138 Obtaining information, etc.

. . . . . .

Textual Amendments

F95 S. 138 omitted (6.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 66(1)**, 103(3) (with s. 66(2)); S.I. 2014/416, art. 3(c)

139 Interest

(1) Regulations may make provision—

(a) for enabling an employment tribunal to include interest on an amount awarded by it in proceedings under this Act;

(b) specifying the manner in which, and the periods and rate by reference to which, the interest is to be determined.

(2) Regulations may modify the operation of an order made under section 14 of the Employment Tribunals Act 1996 (power to make provision as to interest on awards) in so far as it relates to an award in proceedings under this Act.

Commencement Information

I56 S. 139 wholly in force; s. 139 not in force at Royal Assent see s. 216; s. 139 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(j)** (with art. 15, and subject to transitional provision in art. 7)

[[F96]139A Equal pay audits

(1) Regulations may make provision requiring an employment tribunal to order the respondent to carry out an equal pay audit in any case where the tribunal finds that there has been an equal pay breach.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) An equal pay breach is—
  (a) a breach of an equality clause, or
  (b) a contravention in relation to pay of section 39(2), 49(6) or 50(6), so far as relating to sex discrimination.

(3) An equal pay audit is an audit designed to identify action to be taken to avoid equal pay breaches occurring or continuing.

(4) The regulations may make further provision about equal pay audits, including provision about—
  (a) the content of an audit;
  (b) the powers and duties of a tribunal for deciding whether its order has been complied with;
  (c) any circumstances in which an audit may be required to be published or may be disclosed to any person.

(5) The regulations must provide for an equal pay audit not to be ordered where the tribunal considers that—
  (a) an audit completed by the respondent in the previous 3 years meets requirements prescribed for this purpose,
  (b) it is clear without an audit whether any action is required to avoid equal pay breaches occurring or continuing,
  (c) the breach the tribunal has found gives no reason to think that there may be other breaches, or
  (d) the disadvantages of an equal pay audit would outweigh its benefits.

(6) The regulations may provide for an employment tribunal to have power, where a person fails to comply with an order to carry out an equal pay audit, to order that person to pay a penalty to the Secretary of State of not more than an amount specified in the regulations.

(7) The regulations may provide for that power—
  (a) to be exercisable in prescribed circumstances;
  (b) to be exercisable more than once, if the failure to comply continues.

(8) The first regulations made by virtue of subsection (6) must not specify an amount of more than £5,000.

(9) Sums received by the Secretary of State under the regulations must be paid into the Consolidated Fund.

(10) The first regulations under this section must specify an exemption period during which the requirement to order an equal pay audit does not apply in the case of a business that—
  (a) had fewer than 10 employees immediately before a specified time, or
  (b) was begun as a new business in a specified period.

(11) For the purposes of subsection (10)—
  (a) " specified " means specified in the regulations, and
  (b) the number of employees a business had or the time when a business was begun as a new business is to be determined in accordance with the regulations.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(12) Before making regulations under this section, a Minister of the Crown must consult any other Minister of the Crown with responsibility for employment tribunals.**]**

Textual Amendments

F96 S. 139A inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 98(2)**, 103(1)

140 Conduct giving rise to separate proceedings

(1) This section applies in relation to conduct which has given rise to two or more separate proceedings under this Act, with at least one being for a contravention of section 111 (instructing, causing or inducing contraventions).

(2) A court may transfer proceedings to an employment tribunal.

(3) An employment tribunal may transfer proceedings to a court.

(4) A court or employment tribunal is to be taken for the purposes of this Part to have jurisdiction to determine a claim or complaint transferred to it under this section; accordingly—

(a) a reference to a claim within section 114(1) includes a reference to a claim transferred to a court under this section, and

(b) a reference to a complaint within section 120(1) includes a reference to a complaint transferred to an employment tribunal under this section.

(5) A court or employment tribunal may not make a decision that is inconsistent with an earlier decision in proceedings arising out of the conduct.

(6) "Court" means—

(a) in relation to proceedings in England and Wales, **[**[F97]the county court**]**;

(b) in relation to proceedings in Scotland, the sheriff.

Textual Amendments

F97 Words in s. 140(6) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I57 S. 140 wholly in force; s. 140 not in force at Royal Assent see s. 216; s. 140 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(j)** (with art. 15, and subject to transitional provision in art. 7)

[[F98]140A Extension of time limits because of mediation in certain cross-border disputes

(1) In this section—

(a) " Mediation Directive " means Directive 2008/52/ EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,

(b) " mediation " has the meaning given by article 3(a) of the Mediation Directive,

(c) " mediator " has the meaning given by article 3(b) of the Mediation Directive, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) " relevant dispute " means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).

(2) Subsection (3) applies where—

(a) a time limit is set by section 118(1)(a), 118(2) or 129(3) in relation to the whole or part of a relevant dispute,

(b) a mediation in relation to the relevant dispute starts before the time limit expires, and

(c) if not extended by this section, the time limit would expire before the mediation ends or less than eight weeks after it ends.

(3) The time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).

(4) If a time limit mentioned in subsection (2)(a) has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).

(5) Subsection (6) applies where—

(a) a time limit is set by section 123(1)(a) in relation to the whole or part of a relevant dispute,

(b) a mediation in relation to the relevant dispute starts before the time limit expires, and

(c) if not extended by this section the time limit would expire before the mediation ends or less than four weeks after it ends.

(6) The time limit expires instead at the end of four weeks after the mediation ends (subject to subsection (7)).

(7) If a time limit mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended time limit as they apply to a time limit mentioned in subsection (5)(a).

(8) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) or (6) of one of those time limits does not affect the others.

(9) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.

(10) For the purposes of this section, a mediation ends on the date of the first of these to occur—

(a) the parties reach an agreement in resolution of the relevant dispute,

(b) a party completes the notification of the other parties that it has withdrawn from the mediation,

(c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,

(d) the parties, after being notified that the mediator's appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,

(e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.

(11) For the purpose of subsection (10), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(12) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.

(13) Where a court or tribunal has power under section 118(1)(b) or 123(1)(b) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this section.**]**

Textual Amendments

F98 S. 140A inserted (20.5.2011 with application as mentioned in regs. 3, 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **reg. 58**

[F99 140A Extension of time limits because of alternative dispute resolution in certain cross border or domestic contractual disputes

(1) In this section—

(a) " ADR Directive" means Directive 2013/11/ EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC ;

(b) " ADR entity" has the meaning given by article 4(1)(h) of the ADR Directive;

F100 (c) . . . . . .

(d) " ADR procedure" has the meaning given by article 4(1)(g) of the ADR Directive;

(e) "non-binding ADR procedure" means an ADR procedure the outcome of which is not binding on the parties;

(f) "relevant dispute" means a dispute to which Article 12(1) of the ADR Directive applies (certain cross-border or domestic contractual disputes brought by a consumer against a trader).

(2) Subsection (3) applies where—

(a) a time limit is set by section 118(1)(a) and (2) in relation to the whole or part of a relevant dispute;

(b) a non-binding ADR procedure in relation to the relevant dispute starts before the time limit expires; and

(c) if not extended by this section, the time limit would expire before the non-binding ADR procedure ends or less than eight weeks after it ends.

(3) For the purposes of initiating judicial proceedings, the time limit expires instead at the end of eight weeks after the non-binding ADR procedure ends (subject to subsection (4)).

(4) If a time limit has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).

(5) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) of one of those time limits does not affect the others.

(6) For the purposes of this section, a non-binding ADR procedure starts in relation to a relevant dispute on the date when the dispute is first sent or otherwise communicated

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

to the ADR entity in accordance with the entity's rules regarding the submission of complaints.

(7) For the purposes of this section, the non-binding ADR procedure ends on the date of the first of these to occur—

(a) the parties reach an agreement in resolution of the relevant dispute;

(b) a party completes the notification of the other parties that it has withdrawn from the non-binding ADR procedure;

(c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request;

(d) that the ADR entity notifies the party that submitted the relevant dispute to the ADR entity that, in accordance with its policy, the ADR entity refuses to deal with the relevant dispute;

(e) after the parties are notified that the ADR entity can no longer act in relation to the relevant dispute (for whatever reason), the parties fail to agree within 14 days to submit the dispute to an alternative ADR entity;

(f) the non-binding ADR procedure otherwise comes to an end pursuant to the rules of the ADR entity.

(8) For the purpose of subsection (6), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the non-binding ADR procedure.

(9) In the case of any relevant dispute, references in this section to a non-binding ADR procedure are references to the non-binding ADR procedure so far as it relates to that dispute, and references to a party are to be read accordingly.

(10) Where a court or tribunal has power under section 118(1)(b) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this section.**]**

Textual Amendments

F99 S. 140AA inserted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **7(3)** (with reg. 1(3))

F100 S. 140AA(1)(c) omitted (9.1.2016) by virtue of The Alternative Dispute Resolution for Consumer Disputes (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1972), regs. 1, **5(2)**

[F101 140B Extension of time limits to facilitate conciliation before institution of proceedings

(1) This section applies where a time limit is set by section 123(1)(a) or 129(3) or (4).

(2) In this section—

(a) Day A is the day on which the complainant or applicant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the complainant or applicant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In working out when the time limit set by section 123(1)(a) or 129(3) or (4) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If the time limit set by section 123(1)(a) or 129(3) or (4) would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) The power conferred on the employment tribunal by subsection (1)(b) of section 123 to extend the time limit set by subsection (1)(a) of that section is exercisable in relation to that time limit as extended by this section.**]**

Textual Amendments

F101 S.140B inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), **Sch. 2 para. 45**; S.I. 2014/253, **art. 3(g)**

141 Interpretation, etc.

(1) This section applies for the purposes of this Part.

(2) A reference to the responsible person, in relation to an equality clause or rule, is to be construed in accordance with Chapter 3 of Part 5.

(3) A reference to a worker is a reference to the person to the terms of whose work the proceedings in question relate; and, for the purposes of proceedings relating to an equality rule or a non-discrimination rule, a reference to a worker includes a reference to a member of the occupational pension scheme in question.

(4) A reference to the terms of a person's work is to be construed in accordance with Chapter 3 of Part 5.

(5) A reference to a member of an occupational pension scheme includes a reference to a prospective member.

(6) In relation to proceedings in England and Wales, a person has an incapacity if the person—
  (a) has not attained the age of 18, or
  (b) lacks capacity (within the meaning of the Mental Capacity Act 2005).

(7) In relation to proceedings in Scotland, a person has an incapacity if the person—
  (a) has not attained the age of 16, or
  (b) is incapable (within the meaning of the Adults with Incapacity (Scotland) Act 2000 (asp 4)).

[[F102](8) Service complaint" means a complaint made under section 340A(1) or (2) of the Armed Forces Act 2006.**]**

(9) "Criminal matter" means—
  (a) an investigation into the commission of an alleged offence;
  (b) a decision whether to commence criminal proceedings;
  (c) criminal proceedings.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F102 S. 141(8) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 15**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

Commencement Information

I58 S. 141 wholly in force; s. 141 not in force at Royal Assent see s. 216; s. 141 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(j)** (with art. 15, and subject to transitional provision in art. 7)

PART 10

CONTRACTS, ETC.

Contracts and other agreements

142 Unenforceable terms

(1) A term of a contract is unenforceable against a person in so far as it constitutes, promotes or provides for treatment of that or another person that is of a description prohibited by this Act.

(2) A relevant non-contractual term is unenforceable against a person in so far as it constitutes, promotes or provides for treatment of that or another person that is of a description prohibited by this Act, in so far as this Act relates to disability.

(3) A relevant non-contractual term is a term which—

(a) is a term of an agreement that is not a contract, and

(b) relates to the provision of an employment service within section 56(2)(a) to (e) or to the provision under a group insurance arrangement of facilities by way of insurance.

(4) A reference in subsection (1) or (2) to treatment of a description prohibited by this Act does not include—

(a) a reference to the inclusion of a term in a contract referred to in section 70(2)(a) or 76(2), or

(b) a reference to the failure to include a term in a contract as referred to in section 70(2)(b).

(5) Subsection (4) does not affect the application of section 148(2) to this section.

143 Removal or modification of unenforceable terms

(1) **[**[F103]The county court**]** or the sheriff may, on an application by a person who has an interest in a contract or other agreement which includes a term that is unenforceable as a result of section 142, make an order for the term to be removed or modified.

(2) An order under this section must not be made unless every person who would be affected by it—

(a) has been given notice of the application (except where notice is dispensed with in accordance with rules of court), and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) has been afforded an opportunity to make representations to the county court or sheriff.

(3) An order under this section may include provision in respect of a period before the making of the order.

Textual Amendments

F103 Words in s. 143(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

144 Contracting out

(1) A term of a contract is unenforceable by a person in whose favour it would operate in so far as it purports to exclude or limit a provision of or made under this Act.

(2) A relevant non-contractual term (as defined by section 142) is unenforceable by a person in whose favour it would operate in so far as it purports to exclude or limit a provision of or made under this Act, in so far as the provision relates to disability.

(3) This section does not apply to a contract which settles a claim within section 114.

(4) This section does not apply to a contract which settles a complaint within section 120 if the contract—

(a) is made with the assistance of a conciliation officer, or

(b) is a qualifying **[**[F104]settlement agreement **]**.

(5) A contract within subsection (4) includes a contract which settles a complaint relating to a breach of an equality clause or rule or of a non-discrimination rule.

(6) A contract within subsection (4) includes an agreement by the parties to a dispute to submit the dispute to arbitration if—

(a) the dispute is covered by a scheme having effect by virtue of an order under section 212A of the Trade Union and Labour Relations (Consolidation) Act 1992, and

(b) the agreement is to submit the dispute to arbitration in accordance with the scheme.

Textual Amendments

F104 Words in s. 144(4)(b) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(5)**, 103(3); S.I. 2013/1648, art. 2(c)

Collective agreements and rules of undertakings

145 Void and unenforceable terms

(1) A term of a collective agreement is void in so far as it constitutes, promotes or provides for treatment of a description prohibited by this Act.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) A rule of an undertaking is unenforceable against a person in so far as it constitutes, promotes or provides for treatment of the person that is of a description prohibited by this Act.

146 Declaration in respect of void term, etc.

(1) A qualifying person (P) may make a complaint to an employment tribunal that a term is void, or that a rule is unenforceable, as a result of section 145.

(2) But subsection (1) applies only if—
  (a) the term or rule may in the future have effect in relation to P, and
  (b) where the complaint alleges that the term or rule provides for treatment of a description prohibited by this Act, P may in the future be subjected to treatment that would (if P were subjected to it in present circumstances) be of that description.

(3) If the tribunal finds that the complaint is well-founded, it must make an order declaring that the term is void or the rule is unenforceable.

(4) An order under this section may include provision in respect of a period before the making of the order.

(5) In the case of a complaint about a term of a collective agreement, where the term is one made by or on behalf of a person of a description specified in the first column of the table, a qualifying person is a person of a description specified in the second column.

Description of person who made collective agreement	***Qualifying person***
Employer	A person who is, or is seeking to be, an employee of that employer
Organisation of employers	A person who is, or is seeking to be, an employee of an employer who is a member of that organisation
Association of organisations of employers	A person who is, or is seeking to be, an employee of an employer who is a member of an organisation in that association

(6) In the case of a complaint about a rule of an undertaking, where the rule is one made by or on behalf of a person of a description specified in the first column of the table, a qualifying person is a person of a description specified in the second column.

Description of person who made rule of undertaking	***Qualifying person***
Employer	A person who is, or is seeking to be, an employee of that employer
Trade organisation or qualifications body	A person who is, or is seeking to be, a member of the organisation or body
	A person upon whom the body has conferred a relevant qualification

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

A person seeking conferment by the body of a relevant qualification

Supplementary

147 Meaning of "qualifying [F105settlement agreement]"

(1) This section applies for the purposes of this Part.

(2) A qualifying **[**F106settlement agreement**]** is a contract in relation to which each of the conditions in subsection (3) is met.

(3) Those conditions are that—

(a) the contract is in writing,

(b) the contract relates to the particular complaint,

(c) the complainant has, before entering into the contract, received advice from an independent adviser about its terms and effect (including, in particular, its effect on the complainant's ability to pursue the complaint before an employment tribunal),

(d) on the date of the giving of the advice, there is in force a contract of insurance, or an indemnity provided for members of a profession or professional body, covering the risk of a claim by the complainant in respect of loss arising from the advice,

(e) the contract identifies the adviser, and

(f) the contract states that the conditions in paragraphs (c) and (d) are met.

(4) Each of the following is an independent adviser—

(a) a qualified lawyer;

(b) an officer, official, employee or member of an independent trade union certified in writing by the trade union as competent to give advice and as authorised to do so on its behalf;

(c) a worker at an advice centre (whether as an employee or a volunteer) certified in writing by the centre as competent to give advice and as authorised to do so on its behalf;

(d) a person of such description as may be specified by order.

(5) Despite subsection (4), none of the following is an independent adviser **[**F107to the complainant**]** in relation to a qualifying **[**F106settlement agreement**]**—

(a) a person **[**F108(other than the complainant)**]** who is a party to the contract or the complaint;

(b) a person who is connected to a person within paragraph (a);

(c) a person who is employed by a person within paragraph (a) or (b);

(d) a person who is acting for a person within paragraph (a) or (b) in relation to the contract or the complaint;

(e) a person within subsection (4)(b) or (c), if the trade union or advice centre is a person within paragraph (a) or (b);

(f) a person within subsection (4)(c) to whom the complainant makes a payment for the advice.

(6) A "qualified lawyer", for the purposes of subsection (4)(a), is—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in relation to England and Wales, a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation;

(b) in relation to Scotland, an advocate (whether in practice as such or employed to give legal advice) or a solicitor who holds a practising certificate.

(7) "Independent trade union" has the meaning given in section 5 of the Trade Union and Labour Relations (Consolidation) Act 1992.

(8) Two persons are connected for the purposes of subsection (5) if—

(a) one is a company of which the other (directly or indirectly) has control, or

(b) both are companies of which a third person (directly or indirectly) has control.

(9) Two persons are also connected for the purposes of subsection (5) in so far as a connection between them gives rise to a conflict of interest in relation to the contract or the complaint.

Textual Amendments

F105 Words in s. 147 heading substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(6)**, 103(3); S.I. 2013/1648, art. 2(c)

F106 Words in s. 147(2)(5) substituted (29.7.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 23(6)**, 103(3); S.I. 2013/1648, art. 2(c)

F107 Words in s. 147(5) inserted (6.4.2012) by The Equality Act 2010 (Amendment) Order 2012 (S.I. 2012/334), **art. 2(2)**

F108 Words in s. 147(5)(a) inserted (6.4.2012) by The Equality Act 2010 (Amendment) Order 2012 (S.I. 2012/334), **art. 2(3)**

Commencement Information

I59 S. 147 wholly in force at 1.10.2010; s. 147 not in force at Royal Assent see s. 216; s. 147(4) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; s. 147 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(10)(b)** (with art. 15)

148 Interpretation

(1) This section applies for the purposes of this Part.

(2) A reference to treatment of a description prohibited by this Act does not include treatment in so far as it is treatment that would contravene—

(a) Part 1 (public sector duty regarding socio-economic inequalities), or

(b) Chapter 1 of Part 11 (public sector equality duty).

(3) "Group insurance arrangement" means an arrangement between an employer and another person for the provision by that other person of facilities by way of insurance to the employer's employees (or a class of those employees).

(4) "Collective agreement" has the meaning given in section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992.

(5) A rule of an undertaking is a rule within subsection (6) or (7).

(6) A rule within this subsection is a rule made by a trade organisation or a qualifications body for application to—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) its members or prospective members,
(b) persons on whom it has conferred a relevant qualification, or
(c) persons seeking conferment by it of a relevant qualification.

(7) A rule within this subsection is a rule made by an employer for application to—
(a) employees,
(b) persons who apply for employment, or
(c) persons the employer considers for employment.

(8) "Trade organisation", "qualifications body" and "relevant qualification" each have the meaning given in Part 5 (work).

PART 11

ADVANCEMENT OF EQUALITY

Modifications etc. (not altering text)
C12 Pt. 11 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), **regs. 3-6**, Sch.

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
  (a) tackle prejudice, and
  (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—
  age;
  disability;
  gender reassignment;
  pregnancy and maternity;
  race;
  religion or belief;
  sex;
  sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—
  (a) a breach of an equality clause or rule;
  (b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.

150 Public authorities and public functions

(1) A public authority is a person who is specified in Schedule 19.

(2) In that Schedule—
  Part 1 specifies public authorities generally;
  Part 2 specifies relevant Welsh authorities;
  Part 3 specifies relevant Scottish authorities.

(3) A public authority specified in Schedule 19 is subject to the duty imposed by section 149(1) in relation to the exercise of all of its functions unless subsection (4) applies.

(4) A public authority specified in that Schedule in respect of certain specified functions is subject to that duty only in respect of the exercise of those functions.

(5) A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I60 S. 150 wholly in force at 5.4.2011; s. 150 not in force at Royal Assent see 216; s. 150 in force for certain purposes at 18.1.2011 by S.I. 2011/96, **art. 2(a)**; s. 150 in force so far as not already in force at 5.4.2011 by S.I. 2011/1066, **art. 2(b)**

151 Power to specify public authorities

(1) A Minister of the Crown may by order amend Part 1, 2 or 3 of Schedule 19.

(2) The Welsh Ministers may by order amend Part 2 of Schedule 19.

(3) The Scottish Ministers may by order amend Part 3 of Schedule 19.

(4) The power under subsection (1), (2) or (3) may not be exercised so as to—

(a) add an entry to Part 1 relating to a relevant Welsh or Scottish authority or a cross-border Welsh or Scottish authority;

(b) add an entry to Part 2 relating to a person who is not a relevant Welsh authority;

(c) add an entry to Part 3 relating to a person who is not a relevant Scottish authority.

(5) A Minister of the Crown may by order amend Schedule 19 so as to make provision relating to a cross-border Welsh or Scottish authority.

(6) On the first exercise of the power under subsection (5) to add an entry relating to a cross-border Welsh or Scottish authority to Schedule 19, a Minister of the Crown must—

(a) add a Part 4 to the Schedule for cross-border authorities, and

(b) add the cross-border Welsh or Scottish authority to that Part.

(7) Any subsequent exercise of the power under subsection (5) to add an entry relating to a cross-border Welsh or Scottish authority to Schedule 19 must add that entry to Part 4 of the Schedule.

(8) An order may not be made under this section so as to extend the application of section 149 unless the person making it considers that the extension relates to a person by whom a public function is exercisable.

(9) An order may not be made under this section so as to extend the application of section 149 to—

(a) the exercise of a function referred to in paragraph 3 of Schedule 18 (judicial functions, etc);

(b) a person listed in paragraph 4(2)(a) to (e) of that Schedule (Parliament, devolved legislatures and General Synod);

(c) the exercise of a function listed in paragraph 4(3) of that Schedule (proceedings in Parliament or devolved legislatures).

152 Power to specify public authorities: consultation [F109]...

(1) Before making an order under a provision specified in the first column of the Table, a Minister of the Crown must consult the person or persons specified in the second column.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Provision	***Consultees***
Section 151(1)	The Commission
Section 151(1), so far as relating to a relevant Welsh authority	The Welsh Ministers
Section 151(1), so far as relating to a relevant Scottish authority	The Scottish Ministers
Section 151(5)	The Commission
Section 151(5), so far as relating to a cross-border Welsh authority	The Welsh Ministers
Section 151(5), so far as relating to a cross-border Scottish authority	The Scottish Ministers

(2) Before making an order under section 151(2), the Welsh Ministers must **[**[F110]consult the Commission, and after making such an order they must inform a Minister of the Crown.**]**

(3) Before making an order under section 151(3), the Scottish Ministers must **[**[F111]consult the Commission, and after making such an order they must inform a Minister of the Crown.**]**

Textual Amendments

F109 Words in s. 152 heading omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 44(2)(b)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F110 Words in s. 152(2) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 44(2)(a)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F111 Words in s. 152(3) substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 37(7)**, 72(7)

153 Power to impose specific duties

(1) A Minister of the Crown may by regulations impose duties on a public authority specified in Part 1 of Schedule 19 for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1).

(2) The Welsh Ministers may by regulations impose duties on a public authority specified in Part 2 of Schedule 19 for that purpose.

(3) The Scottish Ministers may by regulations impose duties on a public authority specified in Part 3 of Schedule 19 for that purpose.

(4) Before making regulations under this section, the person making them must consult the Commission.

154 Power to impose specific duties: cross-border authorities

(1) If a Minister of the Crown exercises the power in section 151(5) to add an entry for a public authority to Part 4 of Schedule 19, the Minister must include after the entry a letter specified in the first column of the Table in subsection (3).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Where a letter specified in the first column of the Table in subsection (3) is included after an entry for a public authority in Part 4 of Schedule 19, the person specified in the second column of the Table—

(a) may by regulations impose duties on the authority for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1), subject to such limitations as are specified in that column;

(b) must in making the regulations comply with the procedural requirement specified in that column.

(3) This is the Table—

Letter	***Person by whom regulations may be made and procedural requirements***
A	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are not devolved Welsh functions. The Minister of the Crown must consult the Welsh Ministers before making the regulations. Regulations may be made by the Welsh Ministers in relation to the authority's devolved Welsh functions. **[**[F112]The Welsh Ministers must inform a Minister of the Crown after**]** making the regulations.
B	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are not devolved Scottish functions. The Minister of the Crown must consult the Scottish Ministers before making the regulations. Regulations may be made by the Scottish Ministers in relation to the authority's devolved Scottish functions. **[**[F113]The Scottish Ministers must inform a Minister of the Crown after**]** making the regulations.
C	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are neither devolved Welsh functions nor devolved Scottish functions. The Minister of the Crown must consult the Welsh Ministers and the Scottish Ministers before making the regulations. Regulations may be made by the Welsh Ministers in relation to the authority's devolved Welsh functions. **[**[F112]The Welsh Ministers must inform a Minister of the Crown after**]** making the regulations. Regulations may be made by the Scottish Ministers in relation to the authority's devolved Scottish functions. **[**[F113]The Scottish Ministers must inform a Minister of the Crown after**]** making the regulations.
D	The regulations may be made by a Minister of the Crown.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The Minister of the Crown must consult the Welsh Ministers before making the regulations.

(4) Before making regulations under subsection (2), the person making them must consult the Commission.

Textual Amendments

F112 Words in s. 154(3) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 44(3)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F113 Words in s. 154(3) table substituted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 37(8)**, 72(7)

155 Power to impose specific duties: supplementary

(1) Regulations under section 153 or 154 may require a public authority to consider such matters as may be specified from time to time by—

(a) a Minister of the Crown, where the regulations are made by a Minister of the Crown;

(b) the Welsh Ministers, where the regulations are made by the Welsh Ministers;

(c) the Scottish Ministers, where the regulations are made by the Scottish Ministers.

(2) Regulations under section 153 or 154 may impose duties on a public authority that is a contracting authority within the meaning of the Public Sector Directive in connection with its public procurement functions.

(3) In subsection (2)—

"public procurement functions" means functions the exercise of which is regulated by the Public Sector Directive;

[[F114]"the Public Sector Directive" means Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, as amended from time to time.**]**

(4) Subsections (1) and (2) do not affect the generality of section 153 or 154(2)(a).

(5) A duty imposed on a public authority under section 153 or 154 may be modified or removed by regulations made by—

(a) a Minister of the Crown, where the original duty was imposed by regulations made by a Minister of the Crown;

(b) the Welsh Ministers, where the original duty was imposed by regulations made by the Welsh Ministers;

(c) the Scottish Ministers, where the original duty was imposed by regulations made by the Scottish Ministers.

Textual Amendments

F114 Words in s. 155(3) substituted (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 1 para. 7** (with reg. 5)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

156 Enforcement

A failure in respect of a performance of a duty imposed by or under this Chapter does not confer a cause of action at private law.

157 Interpretation

(1) This section applies for the purposes of this Chapter.

[[F115](2) A relevant Welsh authority is a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) other than the Assembly Commission.**]**

(3) A cross-border Welsh authority is a person other than a relevant Welsh authority (or the Assembly Commission) who has any function that—

(a) is exercisable in or as regards Wales, and

(b) is a devolved Welsh function.

(4) The Assembly Commission has the same meaning as in the Government of Wales Act 2006.

[[F116](5) A function is a devolved Welsh function if—

(a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or

(b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.**]**

(6) A relevant Scottish authority is a public body, public office or holder of a public office—

(a) which is not a cross-border Scottish authority or the Scottish Parliamentary Corporate Body,

(b) whose functions are exercisable only in or as regards Scotland, and

(c) at least some of whose functions do not relate to reserved matters.

(7) A cross-border Scottish authority is a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998.

(8) A function is a devolved Scottish function if it—

(a) is exercisable in or as regards Scotland, and

(b) does not relate to reserved matters.

(9) Reserved matters has the same meaning as in the Scotland Act 1998.

Textual Amendments

F115 S. 157(2) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 84(2)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

F116 S. 157(5) substituted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 6 para. 84(3)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

CHAPTER 2

POSITIVE ACTION

158 Positive action: general

(1) This section applies if a person (P) reasonably thinks that—
- (a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic,
- (b) persons who share a protected characteristic have needs that are different from the needs of persons who do not share it, or
- (c) participation in an activity by persons who share a protected characteristic is disproportionately low.

(2) This Act does not prohibit P from taking any action which is a proportionate means of achieving the aim of—
- (a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage,
- (b) meeting those needs, or
- (c) enabling or encouraging persons who share the protected characteristic to participate in that activity.

(3) Regulations may specify action, or descriptions of action, to which subsection (2) does not apply.

(4) This section does not apply to—
- (a) action within section 159(3), or
- (b) anything that is permitted by virtue of section 104.

(5) If section 104(7) is repealed by virtue of section 105, this section will not apply to anything that would have been so permitted but for the repeal.

(6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

Modifications etc. (not altering text)

C13 S. 158 excluded (S.) (29.5.2020) by Gender Representation on Public Boards (Scotland) Act 2018 (asp 4), **ss. 11(1)**, 13; S.S.I. 2020/119, reg. 2

159 Positive action: recruitment and promotion

(1) This section applies if a person (P) reasonably thinks that—
- (a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic, or
- (b) participation in an activity by persons who share a protected characteristic is disproportionately low.

(2) Part 5 (work) does not prohibit P from taking action within subsection (3) with the aim of enabling or encouraging persons who share the protected characteristic to—
- (a) overcome or minimise that disadvantage, or
- (b) participate in that activity.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) That action is treating a person (A) more favourably in connection with recruitment or promotion than another person (B) because A has the protected characteristic but B does not.

(4) But subsection (2) applies only if—

(a) A is as qualified as B to be recruited or promoted,

(b) P does not have a policy of treating persons who share the protected characteristic more favourably in connection with recruitment or promotion than persons who do not share it, and

(c) taking the action in question is a proportionate means of achieving the aim referred to in subsection (2).

(5) "Recruitment" means a process for deciding whether to—

(a) offer employment to a person,

(b) make contract work available to a contract worker,

(c) offer a person a position as a partner in a firm or proposed firm,

(d) offer a person a position as a member of an LLP or proposed LLP,

(e) offer a person a pupillage or tenancy in barristers' chambers,

(f) take a person as an advocate's devil or offer a person membership of an advocate's stable,

(g) offer a person an appointment to a personal office,

(h) offer a person an appointment to a public office, recommend a person for such an appointment or approve a person's appointment to a public office, or

(i) offer a person a service for finding employment.

(6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

Modifications etc. (not altering text)

C14 S. 159 excluded by 2005 c. 4, s. 27(5A)(a) (as inserted (15.7.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 9**; S.I. 2013/1725, art. 2(g))

C15 S. 159 excluded (S.) (29.5.2020) by Gender Representation on Public Boards (Scotland) Act 2018 (asp 4), **ss. 11(1)**, 13; S.S.I. 2020/119, reg. 2

Commencement Information

I61 S. 159 wholly in force at 6.4.2011; s. 159 not in force at Royal Assent see s. 216; s. 159(3) in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(11)(b)** (with art. 15); s. 159 in force so far as not already in force at 6.4.2011 by S.I. 2011/96, **art. 3**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 12

DISABLED PERSONS: TRANSPORT

CHAPTER 1

TAXIS, ETC.

PROSPECTIVE

160 Taxi accessibility regulations

(1) The Secretary of State may make regulations (in this Chapter referred to as "taxi accessibility regulations") for securing that it is possible for disabled persons—
- (a) to get into and out of taxis in safety;
- (b) to do so while in wheelchairs;
- (c) to travel in taxis in safety and reasonable comfort;
- (d) to do so while in wheelchairs.

(2) The regulations may, in particular, require a regulated taxi to conform with provision as to—
- (a) the size of a door opening for the use of passengers;
- (b) the floor area of the passenger compartment;
- (c) the amount of headroom in the passenger compartment;
- (d) the fitting of restraining devices designed to ensure the stability of a wheelchair while the taxi is moving.

(3) The regulations may also—
- (a) require the driver of a regulated taxi which is plying for hire, or which has been hired, to comply with provisions as to the carrying of ramps or other devices designed to facilitate the loading and unloading of wheelchairs;
- (b) require the driver of a regulated taxi in which a disabled person is being carried while in a wheelchair to comply with provisions as to the position in which the wheelchair is to be secured.

(4) The driver of a regulated taxi which is plying for hire or has been hired commits an offence—
- (a) by failing to comply with a requirement of the regulations, or
- (b) if the taxi fails to conform with any provision of the regulations with which it is required to conform.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this section—

"passenger compartment" has such meaning as is specified in taxi accessibility regulations;

"regulated taxi" means a taxi to which taxi accessibility regulations are expressed to apply.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

161 Control of numbers of licensed taxis: exception

(1) This section applies if—

(a) an application for a licence in respect of a vehicle is made under section 37 of the Town Police Clauses Act 1847,

(b) it is possible for a disabled person—

(i) to get into and out of the vehicle in safety,

(ii) to travel in the vehicle in safety and reasonable comfort, and

(iii) to do the things mentioned in sub-paragraphs (i) and (ii) while in a wheelchair of a size prescribed by the Secretary of State, and

(c) the proportion of taxis licensed in respect of the area to which the licence would (if granted) apply that conform to the requirement in paragraph (b) is less than the proportion that is prescribed by the Secretary of State.

(2) Section 16 of the Transport Act 1985 (which modifies the provisions of the Town Police Clauses Act 1847 about hackney carriages to allow a licence to ply for hire to be refused in order to limit the number of licensed carriages) does not apply in relation to the vehicle; and those provisions of the Town Police Clauses Act 1847 are to have effect subject to this section.

(3) In section 16 of the Transport Act 1985, after "shall" insert " (subject to section 161 of the Equality Act 2010) ".

Commencement Information

I62 S. 161 partly in force; s. 161 not in force at Royal Assent see s. 216; s. 161 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(12)(a)** (with art. 15)

PROSPECTIVE

162 Designated transport facilities

(1) The appropriate authority may by regulations provide for the application of any taxi provision (with or without modification) to—

(a) vehicles used for the provision of services under a franchise agreement, or

(b) drivers of such vehicles.

(2) A franchise agreement is a contract entered into by the operator of a designated transport facility for the provision, by the other party to the contract, of hire car services—

(a) for members of the public using any part of the facility, and

(b) which involve vehicles entering any part of the facility.

(3) In this section—

"appropriate authority" means—

(a) in relation to transport facilities in England and Wales, the Secretary of State;

(b) in relation to transport facilities in Scotland, the Scottish Ministers;

"designated" means designated by order made by the appropriate authority;

"hire car" has such meaning as is prescribed by the appropriate authority;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"operator", in relation to a transport facility, means a person who is concerned with the management or operation of the facility;

"taxi provision" means a provision of—

(a) this Chapter, or

(b) regulations made in pursuance of section 20(2A) of the Civic Government (Scotland) Act 1982,

which applies in relation to taxis or drivers of taxis;

"transport facility" means premises which form part of a port, airport, railway station or bus station.

(4) For the purposes of section 2(2) of the European Communities Act 1972 (implementation of EU obligations), the Secretary of State may exercise a power conferred by this section on the Scottish Ministers.

PROSPECTIVE

163 Taxi licence conditional on compliance with taxi accessibility regulations

(1) A licence for a taxi to ply for hire must not be granted unless the vehicle conforms with the provisions of taxi accessibility regulations with which a vehicle is required to conform if it is licensed.

(2) Subsection (1) does not apply if a licence is in force in relation to the vehicle at any time during the period of 28 days immediately before the day on which the licence is granted.

(3) The Secretary of State may by order provide for subsection (2) to cease to have effect on a specified date.

(4) The power under subsection (3) may be exercised differently for different areas or localities.

PROSPECTIVE

164 Exemption from taxi accessibility regulations

(1) The Secretary of State may by regulations provide for a relevant licensing authority to apply for an order (an "exemption order") exempting the authority from the requirements of section 163.

(2) Regulations under subsection (1) may, in particular, make provision requiring an authority proposing to apply for an exemption order—

(a) to carry out such consultation as is specified;

(b) to publish its proposals in the specified manner;

(c) before applying for the order, to consider representations made about the proposal;

(d) to make the application in the specified form.

In this subsection "specified" means specified in the regulations.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) An authority may apply for an exemption order only if it is satisfied—

(a) that, having regard to the circumstances in its area, it is inappropriate for section 163 to apply, and

(b) that the application of that section would result in an unacceptable reduction in the number of taxis in its area.

(4) After consulting the Disabled Persons Transport Advisory Committee and such other persons as the Secretary of State thinks appropriate, the Secretary of State may—

(a) make an exemption order in the terms of the application for the order;

(b) make an exemption order in such other terms as the Secretary of State thinks appropriate;

(c) refuse to make an exemption order.

(5) The Secretary of State may by regulations make provision requiring a taxi plying for hire in an area in respect of which an exemption order is in force to conform with provisions of the regulations as to the fitting and use of swivel seats.

(6) Regulations under subsection (5) may make provision corresponding to section 163.

(7) In this section—

"relevant licensing authority" means an authority responsible for licensing taxis in any area of England and Wales other than the area to which the Metropolitan Public Carriage Act 1869 applies;

"swivel seats" has such meaning as is specified in regulations under subsection (5).

165 Passengers in wheelchairs

(1) This section imposes duties on the driver of a designated taxi which has been hired—

(a) by or for a disabled person who is in a wheelchair, or

(b) by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

(2) This section also imposes duties on the driver of a designated private hire vehicle, if a person within paragraph (a) or (b) of subsection (1) has indicated to the driver that the person wishes to travel in the vehicle.

(3) For the purposes of this section—

(a) a taxi or private hire vehicle is "designated" if it appears on a list maintained under section 167;

(b) "the passenger" means the disabled person concerned.

(4) The duties are—

(a) to carry the passenger while in the wheelchair;

(b) not to make any additional charge for doing so;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required.

(5) Mobility assistance is assistance—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) to enable the passenger to get into or out of the vehicle;
(b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
(c) to load the passenger's luggage into or out of the vehicle;
(d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

(6) This section does not require the driver—
(a) unless the vehicle is of a description prescribed by the Secretary of State, to carry more than one person in a wheelchair, or more than one wheelchair, on any one journey;
(b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person.

(7) A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) It is a defence for a person charged with the offence to show that at the time of the alleged offence—
(a) the vehicle conformed to the accessibility requirements which applied to it, but
(b) it would not have been possible for the wheelchair to be carried safely in the vehicle.

(10) In this section and sections 166 and 167 "private hire vehicle" means—
(a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
(b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
(c) a vehicle licensed under an equivalent provision of a local enactment;
(d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982.

Commencement Information

I63 S. 165 partly in force; s. 165 not in force at Royal Assent see s. 216; s. 165 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(12)(b)** (with art. 15)

I64 S. 165 in force at 6.4.2017 in so far as not already in force by S.I. 2017/107, **art. 2(a)**

166 Passengers in wheelchairs: exemption certificates

(1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 165 (an "exemption certificate") if satisfied that it is appropriate to do so—
(a) on medical grounds, or
(b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) An exemption certificate is valid for such period as is specified in the certificate.

(3) The driver of a designated taxi is exempt from the duties imposed by section 165 if—
  (a) an exemption certificate issued to the driver is in force, and
  (b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.

(4) The driver of a designated private hire vehicle is exempt from the duties imposed by section 165 if—
  (a) an exemption certificate issued to the driver is in force, and
  (b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.

(5) For the purposes of this section, a taxi or private hire vehicle is "designated" if it appears on a list maintained under section 167.

(6) In this section and section 167 "licensing authority", in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area.

167 Lists of wheelchair-accessible vehicles

(1) For the purposes of section 165, a licensing authority may maintain a list of vehicles falling within subsection (2).

(2) A vehicle falls within this subsection if—
  (a) it is either a taxi or a private hire vehicle, and
  (b) it conforms to such accessibility requirements as the licensing authority thinks fit.

(3) A licensing authority may, if it thinks fit, decide that a vehicle may be included on a list maintained under this section only if it is being used, or is to be used, by the holder of a special licence under that licence.

(4) In subsection (3) "special licence" has the meaning given by section 12 of the Transport Act 1985 (use of taxis or hire cars in providing local services).

(5) "Accessibility requirements" are requirements for securing that it is possible for disabled persons in wheelchairs—
  (a) to get into and out of vehicles in safety, and
  (b) to travel in vehicles in safety and reasonable comfort,

  either staying in their wheelchairs or not (depending on which they prefer).

(6) The Secretary of State may issue guidance to licensing authorities as to—
  (a) the accessibility requirements which they should apply for the purposes of this section;
  (b) any other aspect of their functions under or by virtue of this section.

(7) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (6).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I65 S. 167 partly in force; s. 167 not in force at Royal Assent see s. 216; s. 167(6) wholly in force and s. 167(1)-(5)(7) in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(12)(d)(e)** (with art. 15)

I66 S. 167(1)-(5) (7) in force at 6.4.2017 in so far as not already in force by S.I. 2017/107, **art. 2(b)**

168 Assistance dogs in taxis

(1) This section imposes duties on the driver of a taxi which has been hired—

(a) by or for a disabled person who is accompanied by an assistance dog, or

(b) by another person who wishes to be accompanied by a disabled person with an assistance dog.

(2) The driver must—

(a) carry the disabled person's dog and allow it to remain with that person;

(b) not make any additional charge for doing so.

(3) The driver of a taxi commits an offence by failing to comply with a duty imposed by this section.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

169 Assistance dogs in taxis: exemption certificates

(1) A licensing authority must issue a person with a certificate exempting the person from the duties imposed by section 168 (an "exemption certificate") if satisfied that it is appropriate to do so on medical grounds.

(2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the taxi which the person drives or those of any kind of taxi in relation to which the person requires the certificate.

(3) An exemption certificate is valid—

(a) in respect of a specified taxi or a specified kind of taxi;

(b) for such period as is specified in the certificate.

(4) The driver of a taxi is exempt from the duties imposed by section 168 if—

(a) an exemption certificate issued to the driver is in force with respect to the taxi, and

(b) the prescribed notice of the exemption is exhibited on the taxi in the prescribed manner.

The power to make regulations under paragraph (b) is exercisable by the Secretary of State.

(5) In this section "licensing authority" means—

(a) in relation to the area to which the Metropolitan Public Carriage Act 1869 applies, Transport for London;

(b) in relation to any other area in England and Wales, the authority responsible for licensing taxis in that area.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

170 Assistance dogs in private hire vehicles

(1) The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle—

(a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and

(b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

(2) The operator commits an offence by making an additional charge for carrying an assistance dog which is accompanying a disabled person.

(3) The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator—

(a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and

(b) the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) In this section—

"driver" means a person who holds a licence under—

(a) section 13 of the Private Hire Vehicles (London) Act 1998 ("the 1998 Act"),

(b) section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), or

(c) an equivalent provision of a local enactment;

"licensing authority", in relation to any area in England and Wales, means the authority responsible for licensing private hire vehicles in that area;

"operator" means a person who holds a licence under—

(a) section 3 of the 1998 Act,

(b) section 55 of the 1976 Act, or

(c) an equivalent provision of a local enactment;

"private hire vehicle" means a vehicle licensed under—

(a) section 6 of the 1998 Act,

(b) section 48 of the 1976 Act, or

(c) an equivalent provision of a local enactment.

171 Assistance dogs in private hire vehicles: exemption certificates

(1) A licensing authority must issue a driver with a certificate exempting the driver from the offence under section 170(3) (an "exemption certificate") if satisfied that it is appropriate to do so on medical grounds.

(2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the private hire vehicle which the person drives or those of any kind of private hire vehicle in relation to which the person requires the certificate.

(3) An exemption certificate is valid—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in respect of a specified private hire vehicle or a specified kind of private hire vehicle;
(b) for such period as is specified in the certificate.

(4) A driver does not commit an offence under section 170(3) if—
(a) an exemption certificate issued to the driver is in force with respect to the private hire vehicle, and
(b) the prescribed notice of the exemption is exhibited on the vehicle in the prescribed manner.

The power to make regulations under paragraph (b) is exercisable by the Secretary of State.

(5) In this section "driver", "licensing authority" and "private hire vehicle" have the same meaning as in section 170.

172 Appeals

(1) A person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 may appeal to a magistrates' court before the end of the period of 28 days beginning with the date of the refusal.

(2) A person who is aggrieved by the refusal of a licensing authority in Scotland to issue an exemption certificate under section 166 may appeal to the sheriff before the end of the period of 28 days beginning with the date of the refusal.

(3) On an appeal under subsection (1) or (2), the magistrates' court or sheriff may direct the licensing authority to issue the exemption certificate to have effect for such period as is specified in the direction.

(4) A person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 167 may appeal to a magistrates' court or, in Scotland, the sheriff before the end of the period of 28 days beginning with the date of the inclusion.

173 Interpretation

(1) In this Chapter—

"accessibility requirements" has the meaning given in section 167(5);

"assistance dog" means—

(a) a dog which has been trained to guide a blind person;
(b) a dog which has been trained to assist a deaf person;
(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

"taxi"—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) means a vehicle which is licensed under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869, and

(b) in sections 162 and 165 to 167, also includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982,

but does not include a vehicle drawn by a horse or other animal;

"taxi accessibility regulations" has the meaning given by section 160(1).

(2) A power to make regulations under paragraph (c) or (d) of the definition of "assistance dog" in subsection (1) is exercisable by the Secretary of State.

CHAPTER 2

PUBLIC SERVICE VEHICLES

174 PSV accessibility regulations

(1) The Secretary of State may make regulations (in this Chapter referred to as "PSV accessibility regulations") for securing that it is possible for disabled persons—

(a) to get on to and off regulated public service vehicles in safety and without unreasonable difficulty (and, in the case of disabled persons in wheelchairs, to do so while remaining in their wheelchairs), and

(b) to travel in such vehicles in safety and reasonable comfort.

(2) The regulations may, in particular, make provision as to the construction, use and maintenance of regulated public service vehicles, including provision as to—

(a) the fitting of equipment to vehicles;

(b) equipment to be carried by vehicles;

(c) the design of equipment to be fitted to, or carried by, vehicles;

(d) the fitting and use of restraining devices designed to ensure the stability of wheelchairs while vehicles are moving;

(e) the position in which wheelchairs are to be secured while vehicles are moving.

(3) In this section "public service vehicle" means a vehicle which is—

(a) adapted to carry more than 8 passengers, and

(b) a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;

and in this Chapter "regulated public service vehicle" means a public service vehicle to which PSV accessibility regulations are expressed to apply.

(4) The regulations may make different provision—

(a) as respects different classes or descriptions of vehicle;

(b) as respects the same class or description of vehicle in different circumstances.

(5) The Secretary of State must not make regulations under this section or section 176 or 177 without consulting—

(a) the Disabled Persons Transport Advisory Committee, and

(b) such other representative organisations as the Secretary of State thinks fit.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

175 Offence of contravening PSV accessibility regulations

(1) A person commits an offence by—
- (a) contravening a provision of PSV accessibility regulations;
- (b) using on a road a regulated public service vehicle which does not conform with a provision of the regulations with which it is required to conform;
- (c) causing or permitting such a regulated public service vehicle to be used on a road.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If an offence under this section committed by a body corporate is committed with the consent or connivance of, or is attributable to neglect on the part of, a responsible person, the responsible person as well as the body corporate is guilty of the offence.

(4) In subsection (3) a responsible person, in relation to a body corporate, is—
- (a) a director, manager, secretary or similar officer;
- (b) a person purporting to act in the capacity of a person mentioned in paragraph (a);
- (c) in the case of a body corporate whose affairs are managed by its members, a member.

(5) If, in Scotland, an offence committed by a partnership or an unincorporated association is committed with the consent or connivance of, or is attributable to neglect on the part of, a partner or person concerned in the management of the association, the partner or person as well as the partnership or association is guilty of the offence.

176 Accessibility certificates

(1) A regulated public service vehicle must not be used on a road unless—
- (a) a vehicle examiner has issued a certificate (an "accessibility certificate") that such provisions of PSV accessibility regulations as are prescribed are satisfied in respect of the vehicle, or
- (b) an approval certificate has been issued under section 177 in respect of the vehicle.

(2) Regulations may make provision—
- (a) with respect to applications for, and the issue of, accessibility certificates;
- (b) providing for the examination of vehicles in respect of which applications have been made;
- (c) with respect to the issue of copies of accessibility certificates which have been lost or destroyed.

(3) The operator of a regulated public service vehicle commits an offence if the vehicle is used in contravention of this section.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) A power to make regulations under this section is exercisable by the Secretary of State.

(6) In this section "operator" has the same meaning as in the Public Passenger Vehicles Act 1981.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

177 Approval certificates

(1) The Secretary of State may approve a vehicle for the purposes of this section if satisfied that such provisions of PSV accessibility regulations as are prescribed for the purposes of section 176 are satisfied in respect of the vehicle.

(2) A vehicle which is so approved is referred to in this section as a "type vehicle".

(3) Subsection (4) applies if a declaration in the prescribed form is made by an authorised person that a particular vehicle conforms in design, construction and equipment with a type vehicle.

(4) A vehicle examiner may issue a certificate in the prescribed form (an "approval certificate") that it conforms to the type vehicle.

(5) Regulations may make provision—
- (a) with respect to applications for, and grants of, approval under subsection (1);
- (b) with respect to applications for, and the issue of, approval certificates;
- (c) providing for the examination of vehicles in respect of which applications have been made;
- (d) with respect to the issue of copies of approval certificates in place of certificates which have been lost or destroyed.

(6) The Secretary of State may at any time withdraw approval of a type vehicle.

(7) If an approval is withdrawn—
- (a) no further approval certificates are to be issued by reference to the type vehicle; but
- (b) an approval certificate issued by reference to the type vehicle before the withdrawal continues to have effect for the purposes of section 176.

(8) A power to make regulations under this section is exercisable by the Secretary of State.

(9) In subsection (3) "authorised person" means a person authorised by the Secretary of State for the purposes of that subsection.

178 Special authorisations

(1) The Secretary of State may by order authorise the use on roads of—
- (a) a regulated public service vehicle of a class or description specified by the order, or
- (b) a regulated public service vehicle which is so specified.

(2) Nothing in sections 174 to 177 prevents the use of a vehicle in accordance with the order.

(3) The Secretary of State may by order make provision for securing that provisions of PSV accessibility regulations apply to regulated public service vehicles of a description specified by the order, subject to any modifications or exceptions specified by the order.

(4) An order under subsection (1) or (3) may make the authorisation or provision (as the case may be) subject to such restrictions and conditions as are specified by or under the order.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Section 207(2) does not require an order under this section that applies only to a specified vehicle, or to vehicles of a specified person, to be made by statutory instrument; but such an order is as capable of being amended or revoked as an order made by statutory instrument.

179 Reviews and appeals

(1) Subsection (2) applies if the Secretary of State refuses an application for the approval of a vehicle under section 177(1) and, before the end of the prescribed period, the applicant—
  (a) asks the Secretary of State to review the decision, and
  (b) pays any fee fixed under section 180.

(2) The Secretary of State must—
  (a) review the decision, and
  (b) in doing so, consider any representations made in writing by the applicant before the end of the prescribed period.

(3) A person applying for an accessibility certificate or an approval certificate may appeal to the Secretary of State against the refusal of a vehicle examiner to issue the certificate.

(4) An appeal must be made within the prescribed time and in the prescribed manner.

(5) Regulations may make provision as to the procedure to be followed in connection with appeals.

(6) On the determination of an appeal, the Secretary of State may—
  (a) confirm, vary or reverse the decision appealed against;
  (b) give directions to the vehicle examiner for giving effect to the Secretary of State's decision.

(7) A power to make regulations under this section is exercisable by the Secretary of State.

180 Fees

(1) The Secretary of State may charge such fees, payable at such times, as are prescribed in respect of—
  (a) applications for, and grants of, approval under section 177(1);
  (b) applications for, and the issue of, accessibility certificates and approval certificates;
  (c) copies of such certificates;
  (d) reviews and appeals under section 179.

(2) Fees received by the Secretary of State must be paid into the Consolidated Fund.

(3) The power to make regulations under subsection (1) is exercisable by the Secretary of State.

(4) The regulations may make provision for the repayment of fees, in whole or in part, in such circumstances as are prescribed.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Before making the regulations the Secretary of State must consult such representative organisations as the Secretary of State thinks fit.

181 Interpretation

In this Chapter—

"accessibility certificate" has the meaning given in section 176(1);
"approval certificate" has the meaning given in section 177(4);
"PSV accessibility regulations" has the meaning given in section 174(1);
"regulated public service vehicle" has the meaning given in section 174(3).

[F117CHAPTER 2A

BUS SERVICES

Textual Amendments

F117 Pt. 12 Ch. 2A inserted (26.6.2018) by Bus Services Act 2017 (c. 21), **ss. 17(1)**, 26(2); S.I. 2018/758, reg. 2

181A Information for bus passengers

(1) The Secretary of State may, for the purpose of facilitating travel by disabled persons, make regulations requiring operators of local services to make available information about a local service to persons travelling on the service.

(2) The regulations may make provision about—
- (a) the descriptions of information that are to be made available;
- (b) how information is to be made available.

(3) The regulations may, in particular, require an operator of a local service to make available information of a prescribed description about—
- (a) the name or other designation of the local service;
- (b) the direction of travel;
- (c) stopping places;
- (d) diversions;
- (e) connecting local services.

(4) The regulations may, in particular—
- (a) specify when information of a prescribed description is to be made available;
- (b) specify how information of a prescribed description is to be made available, including requiring information to be both announced and displayed;
- (c) specify standards for the provision of information, including standards based on an announcement being audible or a display being visible to a person of a prescribed description in a prescribed location;
- (d) specify forms of communication that are not to be regarded as satisfying a requirement to make information available.

(5) Regulations under this section may make different provision—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) as respects different descriptions of vehicle;
(b) as respects the same description of vehicle in different circumstances.

(6) Before making regulations under this section, the Secretary of State must consult—
(a) the Welsh Ministers;
(b) the Scottish Ministers.

181B Exemptions etc

(1) The Secretary of State may by regulations make provision for securing that the provisions of regulations under section 181A do not apply or apply subject to such modifications or exceptions as the regulations may specify to—
(a) public service vehicles of a prescribed description;
(b) operators of a prescribed description;
(c) local services of a prescribed description.

(2) Regulations under subsection (1)(b) may, in particular, make provision by reference to an operator's size.

(3) Regulations under this section may also make provision for securing that the provisions of regulations under section 181A do not apply or apply subject to such modifications or exceptions as the regulations may specify to—
(a) a prescribed public service vehicle;
(b) public service vehicles of a prescribed operator;
(c) a prescribed local service.

(4) Regulations under subsection (1) or (3) may make the provision subject to such restrictions and conditions as are specified in the regulations.

(5) Regulations under subsection (1) or (3) may specify the period for which provisions of those regulations are to have effect.

(6) Regulations under subsection (1) may make different provision for different areas.

(7) Section 207(2) does not require regulations under this section that apply only to—
(a) a prescribed public service vehicle,
(b) public service vehicles of a prescribed operator, or
(c) a prescribed local service,

to be made by statutory instrument; but such regulations are as capable of being amended or revoked as regulations made by statutory instrument.

(8) Before making regulations under this section, the Secretary of State must consult—
(a) the Welsh Ministers;
(b) the Scottish Ministers.

181C Guidance

(1) The Secretary of State must issue guidance about the duties imposed on operators of local services by regulations under section 181A.

(2) The Secretary of State—
(a) must review the guidance issued under subsection (1), at intervals not exceeding five years, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) may revise it.

(3) Before issuing the guidance or revising it in a way which would, in the opinion of the Secretary of State, result in a substantial change to it, the Secretary of State must consult—

(a) the Welsh Ministers,

(b) the Scottish Ministers,

(c) the Passengers' Council,

(d) such organisations representing disabled persons, including the Disabled Persons Transport Advisory Committee and the committee established under section 72 of the Transport (Scotland) Act 2001, as the Secretary of State thinks fit,

(e) such organisations representing operators of local services as the Secretary of State thinks fit, and

(f) such other persons as the Secretary of State thinks fit.

(4) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.

181D Interpretation

(1) In this Chapter—

"local service" has the same meaning as in the Transport Act 1985;

"public service vehicle" means a vehicle that is a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;

"stopping place" has the same meaning as in the Transport Act 1985.

(2) For the purposes of this Chapter, a local service ("service A") is a connecting local service in relation to another local service ("service B") if service A has a stopping place at, or in the vicinity of, a stopping place of service B.

(3) References in this Chapter to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the Transport Act 1985.**]**

CHAPTER 3

RAIL VEHICLES

182 Rail vehicle accessibility regulations

(1) The Secretary of State may make regulations (in this Chapter referred to as "rail vehicle accessibility regulations") for securing that it is possible for disabled persons—

(a) to get on to and off regulated rail vehicles in safety and without unreasonable difficulty;

(b) to do so while in wheelchairs;

(c) to travel in such vehicles in safety and reasonable comfort;

(d) to do so while in wheelchairs.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The regulations may, in particular, make provision as to the construction, use and maintenance of regulated rail vehicles including provision as to—

(a) the fitting of equipment to vehicles;

(b) equipment to be carried by vehicles;

(c) the design of equipment to be fitted to, or carried by, vehicles;

(d) the use of equipment fitted to, or carried by, vehicles;

(e) the toilet facilities to be provided in vehicles;

(f) the location and floor area of the wheelchair accommodation to be provided in vehicles;

(g) assistance to be given to disabled persons.

(3) The regulations may contain different provision—

(a) as respects different classes or descriptions of rail vehicle;

(b) as respects the same class or description of rail vehicle in different circumstances;

(c) as respects different networks.

(4) In this section—

"network" means any permanent way or other means of guiding or supporting rail vehicles, or any section of it;

"rail vehicle" means a vehicle constructed or adapted to carry passengers on a railway, tramway or prescribed system other than a vehicle used in the provision of a service for the carriage of passengers on the **[**[F118]trans-European rail system located in Great Britain**]**;

"regulated rail vehicle" means a rail vehicle to which provisions of rail vehicle accessibility regulations are expressed to apply.

(5) In subsection (4)—

[F119] . . . . . .

"prescribed system" means a system using a mode of guided transport ("guided transport" having the same meaning as in the Transport and Works Act 1992) that is specified in rail vehicle accessibility regulations;

"railway" and "tramway" have the same meaning as in the Transport and Works Act 1992.

[[F120]"trans-European rail system" has the meaning given in regulation 2(1) of the Railways (Interoperability) Regulations 2011**]**

(6) The Secretary of State must exercise the power to make rail vehicle accessibility regulations so as to secure that on and after 1 January 2020 every rail vehicle is a regulated rail vehicle.

(7) Subsection (6) does not affect subsection (3), section 183(1) or section 207(4)(a).

(8) Before making regulations under subsection (1) or section 183, the Secretary of State must consult—

(a) the Disabled Persons Transport Advisory Committee, and

(b) such other representative organisations as the Secretary of State thinks fit.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F118 Words in s. 182(4) substituted (16.1.2012) by The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), reg. 48, **Sch. para. 1(a)** (with reg. 3)

F119 Definitions in s. 182(5) omitted (16.1.2012) by virtue of The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), reg. 48, **Sch. para. 1(b)(i)** (with reg. 3)

F120 Definition in s. 182(5) inserted (16.1.2012) by The Railways (Interoperability) Regulations 2011 (S.I. 2011/3066), reg. 48, **Sch. para. 1(b)(ii)** (with reg. 3)

183 Exemptions from rail vehicle accessibility regulations

(1) The Secretary of State may by order (an "exemption order")—

(a) authorise the use for carriage of a regulated rail vehicle even though the vehicle does not conform with the provisions of rail vehicle accessibility regulations with which it is required to conform;

(b) authorise a regulated rail vehicle to be used for carriage otherwise than in conformity with the provisions of rail vehicle accessibility regulations with which use of the vehicle is required to conform.

(2) Authority under subsection (1)(a) or (b) may be for—

(a) a regulated rail vehicle that is specified or of a specified description,

(b) use in specified circumstances of a regulated rail vehicle, or

(c) use in specified circumstances of a regulated rail vehicle that is specified or of a specified description.

[F121](3) . . . . . .

(4) After consulting the Disabled Persons Transport Advisory Committee and such other persons as the Secretary of State thinks appropriate, the Secretary of State may—

(a) make an exemption order in the terms of the application for the order;

(b) make an exemption order in such other terms as the Secretary of State thinks appropriate;

(c) refuse to make an exemption order.

(5) The Secretary of State may make an exemption order subject to such conditions and restrictions as are specified.

(6) "Specified" means specified in an exemption order.

[[F122](7) Section 207(2) does not require an exemption order to be made by statutory instrument; but such an order is as capable of being amended or revoked as an order made by statutory instrument.**]**

Textual Amendments

F121 S. 183(3) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 29(2)**; S.I. 2015/994, art. 11(p)

F122 S. 183(7) inserted (1.10.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 29(3)**; S.I. 2015/994, art. 11(p)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F123]184 Procedure for making exemption orders

. . . . . .

Textual Amendments

F123 S. 184 omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 30(a)**; S.I. 2015/994, art. 11(p)

185 Annual report on exemption orders

(1) After the end of each calendar year the Secretary of State must prepare a report on—

(a) the exercise in that year of the power to make orders under section 183(1);

[F124](b) . . . . . .

(2) A report under subsection (1) must (in particular) contain—

(a) details of each order made under section 183(1) in the year in question;

(b) details of consultation carried out under **[**[F125]section 183(4)**]** in connection with orders made in that year under section 183(1).

(3) The Secretary of State must lay before Parliament each report prepared under this section.

Textual Amendments

F124 S. 185(1)(b) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 30(b)(i)**; S.I. 2015/994, art. 11(p)

F125 Words in s. 185(2)(b) substituted (1.10.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 30(b)(ii)**; S.I. 2015/994, art. 11(p)

186 Rail vehicle accessibility: compliance

[F126] . . . . . .

Textual Amendments

F126 S. 186 repealed (31.12.2010) by Equality Act 2010 (c. 15), **ss. 186(2)**, 216 (with ss. 6(4), 205)

187 Interpretation

(1) In this Chapter—

"rail vehicle" and "regulated rail vehicle" have the meaning given in section 182(4);

"rail vehicle accessibility regulations" has the meaning given in section 182(1).

(2) For the purposes of this Chapter a vehicle is used "for carriage" if it is used for the carriage of passengers.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

CHAPTER 4

SUPPLEMENTARY

188 Forgery, etc.

(1) In this section "relevant document" means—

(a) an exemption certificate issued under section 166, 169 or 171;

(b) a notice of a kind mentioned in section 166(3)(b), 169(4)(b) or 171(4)(b);

(c) an accessibility certificate (see section 176);

(d) an approval certificate (see section 177).

(2) A person commits an offence if, with intent to deceive, the person—

(a) forges, alters or uses a relevant document;

(b) lends a relevant document to another person;

(c) allows a relevant document to be used by another person;

(d) makes or has possession of a document which closely resembles a relevant document.

(3) A person guilty of an offence under subsection (2) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.

(4) A person commits an offence by knowingly making a false statement for the purpose of obtaining an accessibility certificate or an approval certificate.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

PART 13

DISABILITY: MISCELLANEOUS

189 Reasonable adjustments

Schedule 21 (reasonable adjustments: supplementary) has effect.

Commencement Information

I67 S. 189 wholly in force at 1.10.2010; s. 189 not in force at Royal Assent see s. 216; s. 189 in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 2**; s. 189 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(13)(a)** (with art. 15)

190 Improvements to let dwelling houses

(1) This section applies in relation to a lease of a dwelling house if each of the following applies—

(a) the tenancy is not a protected tenancy, a statutory tenancy or a secure tenancy;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the tenant or another person occupying or intending to occupy the premises is a disabled person;

(c) the disabled person occupies or intends to occupy the premises as that person's only or main home;

(d) the tenant is entitled, with the consent of the landlord, to make improvements to the premises;

(e) the tenant applies to the landlord for consent to make a relevant improvement.

(2) Where the tenant applies in writing for the consent—

(a) if the landlord refuses to give consent, the landlord must give the tenant a written statement of the reason why the consent was withheld;

(b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent must be taken to have been unreasonably withheld.

(3) If the landlord gives consent subject to a condition which is unreasonable, the consent must be taken to have been unreasonably withheld.

(4) If the landlord's consent is unreasonably withheld, it must be taken to have been given.

(5) On any question as to whether—

(a) consent was unreasonably withheld, or

(b) a condition imposed was unreasonable,

it is for the landlord to show that it was not.

(6) If the tenant fails to comply with a reasonable condition imposed by the landlord on the making of a relevant improvement, the failure is to be treated as a breach by the tenant of an obligation of the tenancy.

(7) An improvement to premises is a relevant improvement if, having regard to the disabled peron's disability, it is likely to facilitate that person's enjoyment of the premises.

(8) Subsections (2) to (7) apply only in so far as provision of a like nature is not made by the lease.

(9) In this section—

"improvement" means an alteration in or addition to the premises and includes—

(a) an addition to or alteration in the landlord's fittings and fixtures;

(b) an addition or alteration connected with the provision of services to the premises;

(c) the erection of a wireless or television aerial;

(d) carrying out external decoration;

"lease" includes a sub-lease or other tenancy, and "landlord" and "tenant" are to be construed accordingly;

"protected tenancy" has the same meaning as in section 1 of the Rent Act 1977;

"statutory tenancy" is to be construed in accordance with section 2 of that Act;

"secure tenancy" has the same meaning as in section 79 of the Housing Act 1985.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 14

GENERAL EXCEPTIONS

191 Statutory provisions

Schedule 22 (statutory provisions) has effect.

Commencement Information

I68 S. 191 partly in force; s. 191 not in force at Royal Assent see s. 216; s. 191 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(14)(a)** (with art. 15)

192 National security

A person does not contravene this Act only by doing, for the purpose of safeguarding national security, anything it is proportionate to do for that purpose.

193 Charities

(1) A person does not contravene this Act only by restricting the provision of benefits to persons who share a protected characteristic if—
  (a) the person acts in pursuance of a charitable instrument, and
  (b) the provision of the benefits is within subsection (2).

(2) The provision of benefits is within this subsection if it is—
  (a) a proportionate means of achieving a legitimate aim, or
  (b) for the purpose of preventing or compensating for a disadvantage linked to the protected characteristic.

(3) It is not a contravention of this Act for—
  (a) a person who provides supported employment to treat persons who have the same disability or a disability of a prescribed description more favourably than those who do not have that disability or a disability of such a description in providing such employment;
  (b) a Minister of the Crown to agree to arrangements for the provision of supported employment which will, or may, have that effect.

(4) If a charitable instrument enables the provision of benefits to persons of a class defined by reference to colour, it has effect for all purposes as if it enabled the provision of such benefits—
  (a) to persons of the class which results if the reference to colour is ignored, or
  (b) if the original class is defined by reference only to colour, to persons generally.

(5) It is not a contravention of this Act for a charity to require members, or persons wishing to become members, to make a statement which asserts or implies membership or acceptance of a religion or belief; and for this purpose restricting the access by members to a benefit, facility or service to those who make such a statement is to be treated as imposing such a requirement.

(6) Subsection (5) applies only if—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the charity, or an organisation of which it is part, first imposed such a requirement before 18 May 2005, and

(b) the charity or organisation has not ceased since that date to impose such a requirement.

(7) It is not a contravention of section 29 for a person, in relation to an activity which is carried on for the purpose of promoting or supporting a charity, to restrict participation in the activity to persons of one sex.

(8) A charity regulator does not contravene this Act only by exercising a function in relation to a charity in a manner which the regulator thinks is expedient in the interests of the charity, having regard to the charitable instrument.

(9) Subsection (1) does not apply to a contravention of—

(a) section 39;

(b) section 40;

(c) section 41;

(d) section 55, so far as relating to the provision of vocational training.

(10) Subsection (9) does not apply in relation to disability.

194 Charities: supplementary

(1) This section applies for the purposes of section 193.

(2) That section does not apply to race, so far as relating to colour.

(3) "Charity"—

(a) in relation to England and Wales, has the meaning given by **[**[F127]section 1(1) of the Charities Act 2011**]**;

(b) in relation to Scotland, means a body entered in the Scottish Charity Register.

(4) "Charitable instrument" means an instrument establishing or governing a charity (including an instrument made or having effect before the commencement of this section).

(5) The charity regulators are—

(a) the Charity Commission for England and Wales;

(b) the Scottish Charity Regulator.

(6) Section 107(5) applies to references in subsection (5) of section 193 to members, or persons wishing to become members, of a charity.

(7) "Supported employment" means facilities provided, or in respect of which payments are made, under section 15 of the Disabled Persons (Employment) Act 1944.

Textual Amendments

F127 Words in s. 194(3)(a) substituted (14.3.2012) by Charities Act 2011 (c. 25), ss. 354(1), 355, **Sch. 7 para. 144**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

195 Sport

(1) A person does not contravene this Act, so far as relating to sex, only by doing anything in relation to the participation of another as a competitor in a gender-affected activity.

(2) A person does not contravene section 29, 33, 34 or 35, so far as relating to gender reassignment, only by doing anything in relation to the participation of a transsexual person as a competitor in a gender-affected activity if it is necessary to do so to secure in relation to the activity—

(a) fair competition, or

(b) the safety of competitors.

(3) A gender-affected activity is a sport, game or other activity of a competitive nature in circumstances in which the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex as competitors in events involving the activity.

(4) In considering whether a sport, game or other activity is gender-affected in relation to children, it is appropriate to take account of the age and stage of development of children who are likely to be competitors.

(5) A person who does anything to which subsection (6) applies does not contravene this Act only because of the nationality or place of birth of another or because of the length of time the other has been resident in a particular area or place.

(6) This subsection applies to—

(a) selecting one or more persons to represent a country, place or area or a related association, in a sport or game or other activity of a competitive nature;

(b) doing anything in pursuance of the rules of a competition so far as relating to eligibility to compete in a sport or game or other such activity.

[[F128](7) A person does not contravene this Act, so far as relating to age discrimination, only by doing anything in relation to the participation of another as a competitor in an age-banded activity if it is necessary to do so—

(a) to secure in relation to the activity fair competition or the safety of competitors,

(b) to comply with the rules of a national or international competition, or

(c) to increase participation in that activity.

(8) For the purposes of subsection (7), an age-banded activity is a sport, game or other activity of a competitive nature in circumstances in which the physical or mental strength, agility, stamina, physique, mobility, maturity or manual dexterity of average persons of a particular age group would put them at a disadvantage compared to average persons of another age group as competitors in events involving the activity.**]**

Textual Amendments

F128 S. 195(7)(8) inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 9**

196 General

Schedule 23 (general exceptions) has effect.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I69 S. 196 partly in force; s. 196 not in force at Royal Assent see s. 216; s. 196 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(14)(c)** (with art. 15)

197 Age

(1) A Minister of the Crown may by order amend this Act to provide that any of the following does not contravene this Act so far as relating to age—

(a) specified conduct;

(b) anything done for a specified purpose;

(c) anything done in pursuance of arrangements of a specified description.

(2) Specified conduct is conduct—

(a) of a specified description,

(b) carried out in specified circumstances, or

(c) by or in relation to a person of a specified description.

(3) An order under this section may—

(a) confer on a Minister of the Crown or the Treasury a power to issue guidance about the operation of the order (including, in particular, guidance about the steps that may be taken by persons wishing to rely on an exception provided for by the order);

(b) require the Minister or the Treasury to carry out consultation before issuing guidance under a power conferred by virtue of paragraph (a);

(c) make provision (including provision to impose a requirement) that refers to guidance issued under a power conferred by virtue of paragraph (a).

(4) Guidance given by a Minister of the Crown or the Treasury in anticipation of the making of an order under this section is, on the making of the order, to be treated as if it has been issued in accordance with the order.

(5) For the purposes of satisfying a requirement imposed by virtue of subsection (3)(b), the Minister or the Treasury may rely on consultation carried out before the making of the order that imposes the requirement (including consultation carried out before the commencement of this section).

(6) Provision by virtue of subsection (3)(c) may, in particular, refer to provisions of the guidance that themselves refer to a document specified in the guidance.

(7) Guidance issued (or treated as issued) under a power conferred by virtue of subsection (3)(a) comes into force on such day as the person who issues the guidance may by order appoint; and an order under this subsection may include the text of the guidance or of extracts from it.

(8) This section is not affected by any provision of this Act which makes special provision in relation to age.

(9) The references to this Act in subsection (1) do not include references to—

(a) Part 5 (work);

(b) Chapter 2 of Part 6 (further and higher education).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PROSPECTIVE

PART 15

FAMILY PROPERTY

198 Abolition of husband's duty to maintain wife

The rule of common law that a husband must maintain his wife is abolished.

199 Abolition of presumption of advancement

(1) The presumption of advancement (by which, for example, a husband is presumed to be making a gift to his wife if he transfers property to her, or purchases property in her name) is abolished.

(2) The abolition by subsection (1) of the presumption of advancement does not have effect in relation to—
  (a) anything done before the commencement of this section, or
  (b) anything done pursuant to any obligation incurred before the commencement of this section.

200 Amendment of Married Women's Property Act 1964

(1) In section 1 of the Married Women's Property Act 1964 (money and property derived from housekeeping allowance made by husband to be treated as belonging to husband and wife in equal shares)—
  (a) for “the husband for” substitute “ either of them for ”, and
  (b) for “the husband and the wife” substitute “ them ”.

(2) Accordingly, that Act may be cited as the Matrimonial Property Act 1964.

(3) The amendments made by this section do not have effect in relation to any allowance made before the commencement of this section.

201 Civil partners: housekeeping allowance

(1) After section 70 of the Civil Partnership Act 2004 insert—

“70A **Money and property derived from housekeeping allowance**

Section 1 of the Matrimonial Property Act 1964 (money and property derived from housekeeping allowance to be treated as belonging to husband and wife in equal shares) applies in relation to—
  (a) money derived from any allowance made by a civil partner for the expenses of the civil partnership home or for similar purposes, and
  (b) any property acquired out of such money,

as it applies in relation to money derived from any allowance made by a husband or wife for the expenses of the matrimonial home or for similar purposes, and any property acquired out of such money.”

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The amendment made by this section does not have effect in relation to any allowance made before the commencement of this section.

PART 16

GENERAL AND MISCELLANEOUS

Civil partnerships

202 Civil partnerships on religious premises

(1) The Civil Partnership Act 2004 is amended as follows.

(2) Omit section 6(1)(b) and (2) (prohibition on use of religious premises for registration of civil partnership).

(3) In section 6A (power to approve premises for registration of civil partnership), after subsection (2), insert—

"(2A) Regulations under this section may provide that premises approved for the registration of civil partnerships may differ from those premises approved for the registration of civil marriages.

(2B) Provision by virtue of subsection (2)(b) may, in particular, provide that applications for approval of premises may only be made with the consent (whether general or specific) of a person specified, or a person of a description specified, in the provision.

(2C) The power conferred by section 258(2), in its application to the power conferred by this section, includes in particular—

(a) power to make provision in relation to religious premises that differs from provision in relation to other premises;

(b) power to make different provision for different kinds of religious premises."

(4) In that section, after subsection (3), insert—

"(3A) For the avoidance of doubt, nothing in this Act places an obligation on religious organisations to host civil partnerships if they do not wish to do so.

(3B) "Civil marriage" means marriage solemnised otherwise than according to the rites of the Church of England or any other religious usages.

(3C) "Religious premises" means premises which—

(a) are used solely or mainly for religious purposes, or

(b) have been so used and have not subsequently been used solely or mainly for other purposes."

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I70 S. 202 wholly in force at 5.12.2011; s. 202 not in force at Royal Assent see 216; s. 202(3) wholly in force and s. 202(1)(4) in force for certain purposes at 11.7.2011 by S.I. 2011/1636, **art. 2(b)-(d)**; s. 202 in force so far as not already in force at 5.12.2011 by S.I. 2011/2646, **art. 2**

EU obligations

203 Harmonisation

(1) This section applies if—

(a) there is **[**[F129]an**][**[F130]EU**]** obligation of the United Kingdom which a Minister of the Crown thinks relates to the subject matter of the Equality Acts,

(b) the obligation is to be implemented by the exercise of the power under section 2(2) of the European Communities Act 1972 (the implementing power), and

(c) the Minister thinks that it is appropriate to make harmonising provision in the Equality Acts.

(2) The Minister may by order make the harmonising provision.

(3) If the Minister proposes to make an order under this section, the Minister must consult persons and organisations the Minister thinks are likely to be affected by the harmonising provision.

(4) If, as a result of the consultation under subsection (3), the Minister thinks it appropriate to change the whole or part of the proposal, the Minister must carry out such further consultation with respect to the changes as the Minister thinks appropriate.

(5) The Equality Acts are the Equality Act 2006 and this Act.

(6) Harmonising provision is provision made in relation to relevant subject matter of the Equality Acts—

(a) which corresponds to the implementing provision, or

(b) which the Minister thinks is necessary or expedient in consequence of or related to provision made in pursuance of paragraph (a) or the implementing provision.

(7) The implementing provision is provision made or to be made in exercise of the implementing power in relation to so much of the subject matter of the Equality Acts as implements **[**[F129]an**][**[F130]EU**]** obligation.

(8) Relevant subject matter of the Equality Acts is so much of the subject matter of those Acts as does not implement **[**[F129]an**][**[F130]EU**]** obligation.

(9) A harmonising provision may amend a provision of the Equality Acts.

(10) The reference to this Act does not include a reference to this section or Schedule 24 or to a provision specified in that Schedule.

(11) A Minister of the Crown must report to Parliament on the exercise of the power under subsection (2)—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) at the end of the period of 2 years starting on the day this section comes into force;
(b) at the end of each succeeding period of 2 years.

Textual Amendments

F129 Words in s. 203(1)(a)(7)(8) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 3, **6(3)**

F130 Words in s. 203(1)(a)(7)(8) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 3, **6(1)**

204 Harmonisation: procedure

(1) If, after the conclusion of the consultation required under section 203, the Minister thinks it appropriate to proceed with the making of an order under that section, the Minister must lay before Parliament—
(a) a draft of a statutory instrument containing the order, together with
(b) an explanatory document.

(2) The explanatory document must—
(a) introduce and give reasons for the harmonising provision;
(b) explain why the Minister thinks that the conditions in subsection (1) of section 203 are satisfied;
(c) give details of the consultation carried out under that section;
(d) give details of the representations received as a result of the consultation;
(e) give details of such changes as were made as a result of the representations.

(3) Where a person making representations in response to the consultation has requested the Minister not to disclose them, the Minister must not disclose them under subsection (2)(d) if, or to the extent that, to do so would (disregarding any connection with proceedings in Parliament) constitute an actionable breach of confidence.

(4) If information in representations made by a person in response to consultation under section 203 relates to another person, the Minister need not disclose the information under subsection (2)(d) if or to the extent that—
(a) the Minister thinks that the disclosure of information could adversely affect the interests of that other person, and
(b) the Minister has been unable to obtain the consent of that other person to the disclosure.

(5) The Minister may not act under subsection (1) before the end of the period of 12 weeks beginning with the day on which the consultation under section 203(3) begins.

(6) Laying a draft of a statutory instrument in accordance with subsection (1) satisfies the condition as to laying imposed by subsection (8) of section 208, in so far as that subsection applies in relation to orders under section 203.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Application

205 Crown application

(1) The following provisions of this Act bind the Crown—
- (a) Part 1 (public sector duty regarding socio-economic inequalities);
- (b) Part 3 (services and public functions), so far as relating to the exercise of public functions;
- (c) Chapter 1 of Part 11 (public sector equality duty).

(2) Part 5 (work) binds the Crown as provided for by that Part.

(3) The remainder of this Act applies to Crown acts as it applies to acts done by a private person.

(4) For the purposes of subsection (3), an act is a Crown act if (and only if) it is done—
- (a) by or on behalf of a member of the executive,
- (b) by a statutory body acting on behalf of the Crown, or
- (c) by or on behalf of the holder of a statutory office acting on behalf of the Crown.

(5) A statutory body or office is a body or office established by an enactment.

(6) The provisions of Parts 2 to 4 of the Crown Proceedings Act 1947 apply to proceedings against the Crown under this Act as they apply to proceedings in England and Wales which, as a result of section 23 of that Act, are treated for the purposes of Part 2 of that Act as civil proceedings by or against the Crown.

(7) The provisions of Part 5 of that Act apply to proceedings against the Crown under this Act as they apply to proceedings in Scotland which, as a result of that Part, are treated as civil proceedings by or against the Crown.

(8) But the proviso to section 44 of that Act (removal of proceedings from the sheriff to the Court of Session) does not apply to proceedings under this Act.

206 Information society services

Schedule 25 (information society services) has effect.

Subordinate legislation

207 Exercise of power

(1) A power to make an order or regulations under this Act is exercisable by a Minister of the Crown, unless there is express provision to the contrary.

(2) Orders, regulations or rules under this Act must be made by statutory instrument.

(3) Subsection (2) does not apply to—
- (a) a transitional exemption order under Part 1 of Schedule 11,
- (b) a transitional exemption order under Part 1 of Schedule 12, or
- (c) an order under paragraph 1(3) of Schedule 14 that does not modify an enactment.

(4) Orders or regulations under this Act—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) may make different provision for different purposes;

(b) may include consequential, incidental, supplementary, transitional, transitory or saving provision.

(5) Nothing in section 163(4), 174(4) **[**[F131], 181A(5), 181B(6)**]** or 182(3) affects the generality of the power under subsection (4)(a).

(6) The power under subsection (4)(b), in its application to section 37, **[**[F132]139A,**]** 153, 154(2), 155(5), 197 or 216 or to paragraph 7(1) of Schedule 11 or paragraph 1(3) or 2(3) of Schedule 14, includes power to amend an enactment (including, in the case of section **[**[F132]139A,**]** 197 or 216, this Act).

(7) In the case of section 216 (commencement), provision by virtue of subsection (4)(b) may be included in a separate order from the order that provides for the commencement to which the provision relates; and, for that purpose, it does not matter—

(a) whether the order providing for the commencement includes provision by virtue of subsection (4)(b);

(b) whether the commencement has taken place.

(8) A statutory instrument containing an Order in Council under section 82 (offshore work) is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F131 Words in s. 207(5) inserted (26.6.2018) by Bus Services Act 2017 (c. 21), **ss. 17(2)**, 26(2); S.I. 2018/758, reg. 2

F132 Words in s. 207(6) inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 98(3)**, 103(1)

208 Ministers of the Crown, etc.

(1) This section applies where the power to make an order or regulations under this Act is exercisable by a Minister of the Crown or the Treasury.

(2) A statutory instrument containing (whether alone or with other provision) an order or regulations that amend this Act or another Act of Parliament, or an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales, is subject to the affirmative procedure.

(3) But a statutory instrument is not subject to the affirmative procedure by virtue of subsection (2) merely because it contains—

(a) an order under section 59 (local authority functions);

(b) an order under section 151 (power to amend list of public authorities for the purposes of the public sector equality duty) that provides for the omission of an entry where the authority concerned has ceased to exist or the variation of an entry where the authority concerned has changed its name;

(c) an order under paragraph 1(3) of Schedule 14 (educational charities and endowments) that modifies an enactment.

(4) A statutory instrument containing (whether alone or with other provision) an order or regulations mentioned in subsection (5) is subject to the affirmative procedure.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The orders and regulations referred to in subsection (4) are—

(a) regulations under section 30 (services: ships and hovercraft);

(b) regulations under section 78 (gender pay gap information);

(c) regulations under section 81 (work: ships and hovercraft);

(d) an order under section 105 (election candidates: expiry of provision);

(e) regulations under section 106 (election candidates: diversity information);

[[F133](ea) regulations under section 139A (equal pay audits);**]**

(f) regulations under section 153 or 154(2) (public sector equality duty: powers to impose specific duties);

[[F134](fa) regulations under section 181A or 181B (information for bus passengers);**]**

[F135](g) . . . . . .

(h) an order under section 203 (EU obligations: harmonisation);

(i) regulations under paragraph 9(3) of Schedule 20 (rail vehicle accessibility: determination of turnover for purposes of penalties).

(6) A statutory instrument that is not subject to the affirmative procedure by virtue of subsection (2) or (4) is subject to the negative procedure.

(7) But a statutory instrument is not subject to the negative procedure by virtue of subsection (6) merely because it contains—

[F136](a) . . . . . .

(b) an order under section 216 (commencement) that—

(i) does not amend an Act of Parliament, an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales, and

(ii) is not made in reliance on section 207(7).

(8) If a statutory instrument is subject to the affirmative procedure, the order or regulations contained in it must not be made unless a draft of the instrument is laid before and approved by a resolution of each House of Parliament.

(9) If a statutory instrument is subject to the negative procedure, it is subject to annulment in pursuance of a resolution of either House of Parliament.

(10) If a draft of a statutory instrument containing an order or regulations under section 2, 151, 153, 154(2) or 155(5) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

Textual Amendments

F133 S. 208(5)(ea) inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 98(4)**, 103(1)

F134 S. 208(5)(fa) inserted (26.6.2018) by Bus Services Act 2017 (c. 21), **ss. 17(3)**, 26(2); S.I. 2018/758, reg. 2

F135 S. 208(5)(g) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 30(c)(i)**; S.I. 2015/994, art. 11(p)

F136 S. 208(7)(a) omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 10 para. 30(c)(ii)**; S.I. 2015/994, art. 11(p)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

209 The Welsh Ministers

(1) This section applies where the power to make an order or regulations under this Act is exercisable by the Welsh Ministers.

(2) A statutory instrument containing (whether alone or with other provision) an order or regulations mentioned in subsection (3) is subject to the affirmative procedure.

(3) The orders and regulations referred to in subsection (2) are—
- (a) regulations under section 2 (socio-economic inequalities);
- (b) an order under section 151 (power to amend list of public authorities for the purposes of the public sector equality duty);
- (c) regulations under section 153 or 154(2) (public sector equality duty: powers to impose specific duties);
- (d) regulations under section 155(5) that amend an Act of Parliament or an Act or Measure of the National Assembly for Wales (public sector equality duty: power to modify or remove specific duties).

(4) But a statutory instrument is not subject to the affirmative procedure by virtue of subsection (2) merely because it contains an order under section 151 that provides for—
- (a) the omission of an entry where the authority concerned has ceased to exist, or
- (b) the variation of an entry where the authority concerned has changed its name.

(5) A statutory instrument that is not subject to the affirmative procedure by virtue of subsection (2) is subject to the negative procedure.

(6) If a statutory instrument is subject to the affirmative procedure, the order or regulations contained in it must not be made unless a draft of the instrument is laid before and approved by a resolution of the National Assembly for Wales.

(7) If a statutory instrument is subject to the negative procedure, it is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

210 The Scottish Ministers

(1) This section applies where the power to make an order, regulations or rules under this Act is exercisable by the Scottish Ministers.

(2) A statutory instrument containing (whether alone or with other provision) an order or regulations mentioned in subsection (3) is subject to the affirmative procedure.

(3) The orders and regulations referred to in subsection (2) are—
- (a) regulations under section 2 (socio-economic inequalities);
- (b) regulations under section 37 (power to make provision about adjustments to common parts in Scotland);
- (c) an order under section 151 (power to amend list of public authorities for the purposes of the public sector equality duty);
- (d) regulations under section 153 or 154(2) (public sector equality duty: powers to impose specific duties);
- (e) regulations under section 155(5) that amend an Act of Parliament or an Act of the Scottish Parliament (public sector equality duty: power to modify or remove specific duties).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) But a statutory instrument is not subject to the affirmative procedure by virtue of subsection (2) merely because it contains an order under section 151 that provides for—

(a) the omission of an entry where the authority concerned has ceased to exist, or

(b) the variation of an entry where the authority concerned has changed its name.

(5) A statutory instrument that is not subject to the affirmative procedure by virtue of subsection (2) is subject to the negative procedure.

(6) If a statutory instrument is subject to the affirmative procedure, the order or regulations contained in it must not be made unless a draft of the instrument is laid before and approved by a resolution of the Scottish Parliament.

(7) If a statutory instrument is subject to the negative procedure, it is subject to annulment in pursuance of a resolution of the Scottish Parliament.

Amendments, etc.

211 Amendments, repeals and revocations

(1) Schedule 26 (amendments) has effect.

(2) Schedule 27 (repeals and revocations) has effect.

Commencement Information

I71 S. 211 partly in force; s. 211 not in force at Royal Assent see s. 216; s. 211(1) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 3(1)(a)**; s. 211(1) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, **art. 3(a)**; 211(1)(2) in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(15)(b)(c)** (with art. 15); s. 211(1)(2) in force for certain purposes at 5.4.2011 by S.I. 2011/1066, **art. 2(d)(e)**

Interpretation

212 General interpretation

(1) In this Act—

"armed forces" means any of the naval, military or air forces of the Crown;

"the Commission" means the Commission for Equality and Human Rights;

"detriment" does not, subject to subsection (5), include conduct which amounts to harassment;

"the Education Acts" has the meaning given in section 578 of the Education Act 1996;

"employment" and related expressions are (subject to subsection (11)) to be read with section 83;

"enactment" means an enactment contained in—

(a) an Act of Parliament,

(b) an Act of the Scottish Parliament,

(c) an Act or Measure of the National Assembly for Wales, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) subordinate legislation;

"equality clause" means a sex equality clause or maternity equality clause;

"equality rule" means a sex equality rule or maternity equality rule;

"man" means a male of any age;

"maternity equality clause" has the meaning given in section 73;

"maternity equality rule" has the meaning given in section 75;

"non-discrimination rule" has the meaning given in section 61;

"occupational pension scheme" has the meaning given in section 1 of the Pension Schemes Act 1993;

"parent" has the same meaning as in—

(a) the Education Act 1996 (in relation to England and Wales);

(b) the Education (Scotland) Act 1980 (in relation to Scotland);

"prescribed" means prescribed by regulations;

"profession" includes a vocation or occupation;

"sex equality clause" has the meaning given in section 66;

"sex equality rule" has the meaning given in section 67;

"subordinate legislation" means—

(a) subordinate legislation within the meaning of the Interpretation Act 1978, or

(b) an instrument made under an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales;

"substantial" means more than minor or trivial;

"trade" includes any business;

"woman" means a female of any age.

(2) A reference (however expressed) to an act includes a reference to an omission.

(3) A reference (however expressed) to an omission includes (unless there is express provision to the contrary) a reference to—

(a) a deliberate omission to do something;

(b) a refusal to do it;

(c) a failure to do it.

(4) A reference (however expressed) to providing or affording access to a benefit, facility or service includes a reference to facilitating access to the benefit, facility or service.

(5) Where this Act disapplies a prohibition on harassment in relation to a specified protected characteristic, the disapplication does not prevent conduct relating to that characteristic from amounting to a detriment for the purposes of discrimination within section 13 because of that characteristic.

(6) A reference to occupation, in relation to premises, is a reference to lawful occupation.

(7) The following are members of the executive—

(a) a Minister of the Crown;

(b) a government department;

(c) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government;

(d) any part of the Scottish Administration.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) A reference to a breach of an equality clause or rule is a reference to a breach of a term modified by, or included by virtue of, an equality clause or rule.

(9) A reference to a contravention of this Act does not include a reference to a breach of an equality clause or rule, unless there is express provision to the contrary.

(10) "Member", in relation to an occupational pension scheme, means an active member, a deferred member or a pensioner member (within the meaning, in each case, given by section 124 of the Pensions Act 1995).

(11) "Employer", "deferred member", "pension credit member", "pensionable service", "pensioner member" and "trustees or managers" each have, in relation to an occupational pension scheme, the meaning given by section 124 of the Pensions Act 1995.

(12) A reference to the accrual of rights under an occupational pension scheme is to be construed in accordance with that section.

(13) Nothing in section 28, 32, 84, 90, 95 or 100 is to be regarded as an express exception.

213 References to maternity leave, etc.

(1) This section applies for the purposes of this Act.

(2) A reference to a woman on maternity leave is a reference to a woman on—
- (a) compulsory maternity leave,
- (b) ordinary maternity leave, or
- (c) additional maternity leave.

(3) A reference to a woman on compulsory maternity leave is a reference to a woman absent from work because she satisfies the conditions prescribed for the purposes of section 72(1) of the Employment Rights Act 1996.

(4) A reference to a woman on ordinary maternity leave is a reference to a woman absent from work because she is exercising the right to ordinary maternity leave.

(5) A reference to the right to ordinary maternity leave is a reference to the right conferred by section 71(1) of the Employment Rights Act 1996.

(6) A reference to a woman on additional maternity leave is a reference to a woman absent from work because she is exercising the right to additional maternity leave.

(7) A reference to the right to additional maternity leave is a reference to the right conferred by section 73(1) of the Employment Rights Act 1996.

(8) "Additional maternity leave period" has the meaning given in section 73(2) of that Act.

214 Index of defined expressions

Schedule 28 lists the places where expressions used in this Act are defined or otherwise explained.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Final provisions

215 Money

There is to be paid out of money provided by Parliament any increase attributable to this Act in the expenses of a Minister of the Crown.

216 Commencement

(1) The following provisions come into force on the day on which this Act is passed—
- (a) section 186(2) (rail vehicle accessibility: compliance);
- (b) this Part (except sections 202 (civil partnerships on religious premises), 206 (information society services) and 211 (amendments, etc)).

(2) Part 15 (family property) comes into force on such day as the Lord Chancellor may by order appoint.

(3) **[**[F137]Subject to **[**[F138]subsections (4) and (6)**]** ,**]** the other provisions of this Act come into force on such day as a Minister of the Crown may by order appoint.

[[F139](4) The following provisions of Part 1 (socio-economic inequalities) come into force on such day as the Scottish Ministers may by order appoint—
- (a) section 1, so far as it applies to a relevant authority as defined by section 2(5);
- (b) section 2, so far as it confers a power on the Scottish Ministers;
- (c) section 3, for the purposes of section 1 to the extent mentioned in paragraph (a).

(5) The following do not apply to an order under subsection (4)—
- (a) section 207(2) (see instead section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: powers exercisable by Scottish statutory instrument), and
- (b) section 210.**]**

[[F140](6) The following provisions of Part 1 come into force on such day as the Welsh Ministers may by order appoint—
- (a) section 1, so far as it applies to a relevant authority as defined by section 2(6);
- (b) section 2, so far as it confers a power on the Welsh Ministers;
- (c) section 3, for the purposes of section 1 to the extent mentioned in paragraph (a).

(7) Section 209 does not apply to an order under subsection (6).**]**

Subordinate Legislation Made

P1 S. 216 power partly exercised; various dates appointed for specified provisions and purposes as follows:
6.7.2010 by {S. I. 2010/1736}, arts. 2, 3;
4.8.2010 by {S.I. 2010/1966}, arts. 2, 3;
3.9.2010 by {S.I. 2010/2191}, art. 2;
1.10.2010 and 18.3.2011 by {S.I. 2010/2317}, art. 2 (subject to arts. 3-25, as amended by {S.I. 2010/2337}, art. 2), art. 3;
18.1.2011 and 6.4.2011 by {S.I. 2011/96}, arts. 2, 3;
5.4.2011 by {S.I. 2011/1066}, art. 2;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

11.7.2011 by {S.I. 2011/1636}, art. 2;
5.12.2011 by {S.I. 2011/2646}, art. 2;
19.6.2012 and 1.10.2012 by {S.I. 2012/1569}, arts. 2, 3;
1.9.2012 by {S.I. 2012/2184}, art. 2

Textual Amendments

F137 Words in s. 216(3) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(9)**, 72(7)

F138 Words in s. 216(3) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 45(5)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

F139 S. 216(4)(5) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 38(9)**, 72(7)

F140 S. 216(6)(7) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 45(6)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(i)

217 Extent

(1) This Act forms part of the law of England and Wales.

(2) This Act, apart from section 190 (improvements to let dwelling houses) and Part 15 (family property), forms part of the law of Scotland.

(3) Each of the following also forms part of the law of Northern Ireland—
- (a) section 82 (offshore work);
- (b) section 105(3) and (4) (expiry of Sex Discrimination (Election Candidates) Act 2002);
- (c) section 199 (abolition of presumption of advancement).

218 Short title

This Act may be cited as the Equality Act 2010.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

Section 6

DISABILITY: SUPPLEMENTARY PROVISION

PART 1

DETERMINATION OF DISABILITY

Impairment

1 Regulations may make provision for a condition of a prescribed description to be, or not to be, an impairment.

Commencement Information

I72 Sch. 1 para. 1 wholly in force at 1.10.2010; para. 1 not in force at Royal Assent see s. 216; para. 1 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Long-term effects

2 (1) The effect of an impairment is long-term if—

(a) it has lasted for at least 12 months,

(b) it is likely to last for at least 12 months, or

(c) it is likely to last for the rest of the life of the person affected.

(2) If an impairment ceases to have a substantial adverse effect on a person's ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect is likely to recur.

(3) For the purposes of sub-paragraph (2), the likelihood of an effect recurring is to be disregarded in such circumstances as may be prescribed.

(4) Regulations may prescribe circumstances in which, despite sub-paragraph (1), an effect is to be treated as being, or as not being, long-term.

Commencement Information

I73 Sch. 1 para. 2 wholly in force at 1.10.2010; para. 2 not in force at Royal Assent see s. 216; para. 2 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Severe disfigurement

3 (1) An impairment which consists of a severe disfigurement is to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities.

(2) Regulations may provide that in prescribed circumstances a severe disfigurement is not to be treated as having that effect.

(3) The regulations may, in particular, make provision in relation to deliberately acquired disfigurement.

Commencement Information

I74 Sch. 1 para. 3 wholly in force at 1.10.2010; para. 3 not in force at Royal Assent see s. 216; para. 3 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Substantial adverse effects

4 Regulations may make provision for an effect of a prescribed description on the ability of a person to carry out normal day-to-day activities to be treated as being, or as not being, a substantial adverse effect.

Commencement Information

I75 Sch. 1 para. 4 wholly in force at 1.10.2010; para. 4 not in force at Royal Assent see s. 216; para. 4 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Effect of medical treatment

5 (1) An impairment is to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities if—

(a) measures are being taken to treat or correct it, and

(b) but for that, it would be likely to have that effect.

(2) "Measures" includes, in particular, medical treatment and the use of a prosthesis or other aid.

(3) Sub-paragraph (1) does not apply—

(a) in relation to the impairment of a person's sight, to the extent that the impairment is, in the person's case, correctable by spectacles or contact lenses or in such other ways as may be prescribed;

(b) in relation to such other impairments as may be prescribed, in such circumstances as are prescribed.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I76 Sch. 1 para. 5 wholly in force at 1.10.2010; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Certain medical conditions

6 (1) Cancer, HIV infection and multiple sclerosis are each a disability.

(2) HIV infection is infection by a virus capable of causing the Acquired Immune Deficiency Syndrome.

Deemed disability

7 (1) Regulations may provide for persons of prescribed descriptions to be treated as having disabilities.

(2) The regulations may prescribe circumstances in which a person who has a disability is to be treated as no longer having the disability.

(3) This paragraph does not affect the other provisions of this Schedule.

Commencement Information

I77 Sch. 1 para. 7 wholly in force at 1.10.2010; para. 7 not in force at Royal Assent see s. 216; para. 7 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Progressive conditions

8 (1) This paragraph applies to a person (P) if—

(a) P has a progressive condition,

(b) as a result of that condition P has an impairment which has (or had) an effect on P's ability to carry out normal day-to-day activities, but

(c) the effect is not (or was not) a substantial adverse effect.

(2) P is to be taken to have an impairment which has a substantial adverse effect if the condition is likely to result in P having such an impairment.

(3) Regulations may make provision for a condition of a prescribed description to be treated as being, or as not being, progressive.

Commencement Information

I78 Sch. 1 para. 8 wholly in force at 1.10.2010; para. 8 not in force at Royal Assent see s. 216; para. 8 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Past disabilities

9 (1) A question as to whether a person had a disability at a particular time ("the relevant time") is to be determined, for the purposes of section 6, as if the provisions of, or made under, this Act were in force when the act complained of was done had been in force at the relevant time.

(2) The relevant time may be a time before the coming into force of the provision of this Act to which the question relates.

PART 2

GUIDANCE

Preliminary

10 This Part of this Schedule applies in relation to guidance referred to in section 6(5).

Commencement Information

I79 Sch. 1 para. 10 wholly in force at 1.10.2010; para. 10 not in force at Royal Assent see s. 216; para. 10 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Examples

11 The guidance may give examples of—

(a) effects which it would, or would not, be reasonable, in relation to particular activities, to regard as substantial adverse effects;

(b) substantial adverse effects which it would, or would not, be reasonable to regard as long-term.

Commencement Information

I80 Sch. 1 para. 11 wholly in force at 1.10.2010; para. 11 not in force at Royal Assent see s. 216; para. 11 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Adjudicating bodies

12 (1) In determining whether a person is a disabled person, an adjudicating body must take account of such guidance as it thinks is relevant.

(2) An adjudicating body is—

(a) a court;

(b) a tribunal;

(c) a person (other than a court or tribunal) who may decide a claim relating to a contravention of Part 6 (education).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Representations

13 Before issuing the guidance, the Minister must—

(a) publish a draft of it;

(b) consider any representations made to the Minister about the draft;

(c) make such modifications as the Minister thinks appropriate in the light of the representations.

Commencement Information

I81 Sch. 1 para. 13 wholly in force at 1.10.2010; para. 13 not in force at Royal Assent see s. 216; para. 13 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Parliamentary procedure

14 (1) If the Minister decides to proceed with proposed guidance, a draft of it must be laid before Parliament.

(2) If, before the end of the 40-day period, either House resolves not to approve the draft, the Minister must take no further steps in relation to the proposed guidance.

(3) If no such resolution is made before the end of that period, the Minister must issue the guidance in the form of the draft.

(4) Sub-paragraph (2) does not prevent a new draft of proposed guidance being laid before Parliament.

(5) The 40-day period—

(a) begins on the date on which the draft is laid before both Houses (or, if laid before each House on a different date, on the later date);

(b) does not include a period during which Parliament is prorogued or dissolved;

(c) does not include a period during which both Houses are adjourned for more than 4 days.

Commencement Information

I82 Sch. 1 para. 14 wholly in force at 1.10.2010; para. 14 not in force at Royal Assent see s. 216; para. 14 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Commencement

15 The guidance comes into force on the day appointed by order by the Minister.

Commencement Information

I83 Sch. 1 para. 15 wholly in force at 1.10.2010; para. 15 not in force at Royal Assent see s. 216; para. 15 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Revision and revocation

16 (1) The Minister may—

(a) revise the whole or part of guidance and re-issue it;

(b) by order revoke guidance.

(2) A reference to guidance includes a reference to guidance which has been revised and re-issued.

Commencement Information

I84 Sch. 1 para. 16 wholly in force at 1.10.2010; para. 16 not in force at Royal Assent see s. 216; para. 16 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(2)(g)** (with art. 15)

SCHEDULE 2

Section 31

SERVICES AND PUBLIC FUNCTIONS: REASONABLE ADJUSTMENTS

Preliminary

1 This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part.

Commencement Information

I85 Sch. 2 para. 1 wholly in force at 1.9.2012; para. 1 not in force at Royal assent see s. 216; para. 1 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; para. 1 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(a)**

The duty

2 (1) A must comply with the first, second and third requirements.

(2) For the purposes of this paragraph, the reference in section 20(3), (4) or (5) to a disabled person is to disabled persons generally.

(3) Section 20 has effect as if, in subsection (4), for "to avoid the disadvantage" there were substituted—

"(a) to avoid the disadvantage, or

(b) to adopt a reasonable alternative method of providing the service or exercising the function."

(4) In relation to each requirement, the relevant matter is the provision of the service, or the exercise of the function, by A.

(5) Being placed at a substantial disadvantage in relation to the exercise of a function means—

(a) if a benefit is or may be conferred in the exercise of the function, being placed at a substantial disadvantage in relation to the conferment of the benefit, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) if a person is or may be subjected to a detriment in the exercise of the function, suffering an unreasonably adverse experience when being subjected to the detriment.

(6) In relation to the second requirement, a physical feature includes a physical feature brought by or on behalf of A, in the course of providing the service or exercising the function, on to premises other than those that A occupies (as well as including a physical feature in or on premises that A occupies).

(7) If A is a service-provider, nothing in this paragraph requires A to take a step which would fundamentally alter—

(a) the nature of the service, or

(b) the nature of A's trade or profession.

(8) If A exercises a public function, nothing in this paragraph requires A to take a step which A has no power to take.

Commencement Information

I86 Sch. 2 para. 2 wholly in force at 1.9.2012; para. 2 not in force at Royal assent see s. 216; para. 2 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; para. 2 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(a)**

Special provision about transport

3 (1) This paragraph applies where A is concerned with the provision of a service which involves transporting people by land, air or water.

(2) It is never reasonable for A to have to take a step which would—

(a) involve the alteration or removal of a physical feature of a vehicle used in providing the service;

(b) affect whether vehicles are provided;

(c) affect what vehicles are provided;

(d) affect what happens in the vehicle while someone is travelling in it.

(3) But, for the purpose of complying with the first or third requirement, A may not rely on sub-paragraph (2)(b), (c) or (d) if the vehicle concerned is—

(a) a hire-vehicle designed and constructed for the carriage of passengers, comprising more than 8 seats in addition to the driver's seat and having a maximum mass not exceeding 5 tonnes,

(b) a hire-vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes,

(c) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998 (or under a provision of a local Act corresponding to either of those provisions),

(d) a private hire car (within the meaning of section 23 of the Civic Government (Scotland) Act 1982),

(e) a public service vehicle (within the meaning given by section 1 of the Public Passenger Vehicles Act 1981),

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(f) a vehicle built or adapted to carry passengers on a railway or tramway (within the meaning, in each case, of the Transport and Works Act 1992),

(g) a taxi,

(h) a vehicle deployed to transport the driver and passengers of a vehicle that has broken down or is involved in an accident, or

(i) a vehicle deployed on a system using a mode of guided transport (within the meaning of the Transport and Works Act 1992).

(4) In so far as the second requirement requires A to adopt a reasonable alternative method of providing the service to disabled persons, A may not, for the purpose of complying with the requirement, rely on sub-paragraph (2)(b), (c) or (d) if the vehicle is within sub-paragraph (3)(h).

(5) A may not, for the purpose of complying with the first, second or third requirement rely on sub-paragraph (2) of this paragraph if A provides the service by way of a hire-vehicle built to carry no more than 8 passengers.

(6) For the purposes of sub-paragraph (5) in its application to the second requirement, a part of a vehicle is to be regarded as a physical feature if it requires alteration in order to facilitate the provision of—

(a) hand controls to enable a disabled person to operate braking and accelerator systems in the vehicle, or

(b) facilities for the stowage of a wheelchair.

(7) For the purposes of sub-paragraph (6)(a), fixed seating and in-built electrical systems are not physical features; and for the purposes of sub-paragraph (6)(b), fixed seating is not a physical feature.

(8) In the case of a vehicle within sub-paragraph (3), a relevant device is not an auxiliary aid for the purposes of the third requirement.

(9) A relevant device is a device or structure, or equipment, the installation, operation or maintenance of which would necessitate making a permanent alteration to, or which would have a permanent effect on, the internal or external fabric of the vehicle.

(10) Regulations may amend this paragraph so as to provide for sub-paragraph (2) not to apply, or to apply only so far as is prescribed, in relation to vehicles of a prescribed description.

Commencement Information

I87 Sch. 2 para. 3 wholly in force at 1.9.2012; para. 3 not in force at Royal assent see s. 216; para. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; para. 3 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(a)**

Interpretation

4 (1) This paragraph applies for the purposes of paragraph 3.

(2) A "hire-vehicle" is a vehicle hired (by way of a trade) under a hiring agreement to which section 66 of the Road Traffic Offenders Act 1988 applies.

(3) A "taxi", in England and Wales, is a vehicle—

(a) licensed under section 37 of the Town Police Clauses Act 1847,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) licensed under section 6 of the Metropolitan Public Carriage Act 1869, or
(c) drawn by one or more persons or animals.

(4) A "taxi", in Scotland, is—
(a) a hire car engaged, by arrangements made in a public place between the person to be transported (or a person acting on that person's behalf) and the driver, for a journey starting there and then, or
(b) a vehicle drawn by one or more persons or animals.

Commencement Information
I88 Sch. 2 para. 4 wholly in force at 1.9.2012; para. 4 not in force at Royal assent see s. 216; para. 4 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; para. 4 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(a)**

SCHEDULE 3

Section 31

SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

PART 1

CONSTITUTIONAL MATTERS

Parliament

1 (1) Section 29 does not apply to the exercise of—
(a) a function of Parliament;
(b) a function exercisable in connection with proceedings in Parliament.

(2) Sub-paragraph (1) does not permit anything to be done to or in relation to an individual unless it is done by or in pursuance of a resolution or other deliberation of either House or of a Committee of either House.

Commencement Information
I89 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Legislation

2 (1) Section 29 does not apply to preparing, making or considering—
(a) an Act of Parliament;
(b) a Bill for an Act of Parliament;
(c) an Act of the Scottish Parliament;
(d) a Bill for an Act of the Scottish Parliament;
(e) an Act of the National Assembly for Wales;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(f) a Bill for an Act of the National Assembly for Wales.

(2) Section 29 does not apply to preparing, making, approving or considering—
(a) a Measure of the National Assembly for Wales;
(b) a proposed Measure of the National Assembly for Wales.

(3) Section 29 does not apply to preparing, making, confirming, approving or considering an instrument which is made under an enactment by—
(a) a Minister of the Crown;
(b) the Scottish Ministers or a member of the Scottish Executive;
(c) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.

(4) Section 29 does not apply to preparing, making, confirming, approving or considering an instrument to which paragraph 6(a) of Schedule 2 to the Synodical Government Measure 1969 (1969 No. 2) (Measures, Canons, Acts of Synod, orders, etc.) applies.

(5) Section 29 does not apply to anything done in connection with the preparation, making, consideration, approval or confirmation of an instrument made by—
(a) Her Majesty in Council;
(b) the Privy Council.

(6) Section 29 does not apply to anything done in connection with the imposition of a requirement or condition which comes within Schedule 22 (statutory provisions).

Commencement Information

I90 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Judicial functions

3 (1) Section 29 does not apply to—
(a) a judicial function;
(b) anything done on behalf of, or on the instructions of, a person exercising a judicial function;
(c) a decision not to commence or continue criminal proceedings;
(d) anything done for the purpose of reaching, or in pursuance of, a decision not to commence or continue criminal proceedings.

(2) A reference in sub-paragraph (1) to a judicial function includes a reference to a judicial function conferred on a person other than a court or tribunal.

Commencement Information

I91 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Armed forces

4 (1) Section 29(6), so far as relating to relevant discrimination, does not apply to anything done for the purpose of ensuring the combat effectiveness of the armed forces.

(2) "Relevant discrimination" is—

(a) age discrimination;

(b) disability discrimination;

(c) gender reassignment discrimination;

(d) sex discrimination.

Commencement Information

I92 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Security services, etc.

5 Section 29 does not apply to—

(a) the Security Service;

(b) the Secret Intelligence Service;

(c) the Government Communications Headquarters;

(d) a part of the armed forces which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters.

Commencement Information

I93 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

PART 2

EDUCATION

6 In its application to a local authority in England and Wales, section 29, so far as relating to age discrimination or religious or belief-related discrimination, does not apply to—

(a) the exercise of the authority's functions under section 14 of the Education Act 1996 (provision of schools);

(b) the exercise of its function under section 13 of that Act in so far as it relates to a function of its under section 14 of that Act.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I94 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

7 In its application to an education authority, section 29, so far as relating to age discrimination or religious or belief-related discrimination, does not apply to—

(a) the exercise of the authority's functions under section 17 of the Education (Scotland) Act 1980 (provision of schools);

(b) the exercise of its functions under section 1 of that Act, section 2 of the Standards in Scotland's Schools etc. Act 2000 (asp 6) or section 4 or 5 of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) (general responsibility for education) in so far as it relates to a matter specified in paragraph (a);

(c) the exercise of its functions under subsection (1) of section 50 of the Education (Scotland) Act 1980 (education of pupils in exceptional circumstances) in so far as it consists of making arrangements of the description referred to in subsection (2) of that section.

Commencement Information

I95 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

8 (1) In its application to a local authority in England and Wales or an education authority, section 29, so far as relating to sex discrimination, does not apply to the exercise of the authority's functions in relation to the establishment of a school.

(2) But nothing in sub-paragraph (1) is to be taken as disapplying section 29 in relation to the exercise of the authority's functions under section 14 of the Education Act 1996 or section 17 of the Education (Scotland) Act 1980.

Commencement Information

I96 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

9 Section 29, so far as relating to age discrimination, does not apply in relation to anything done in connection with—

(a) the curriculum of a school,

(b) admission to a school,

(c) transport to or from a school, or

(d) the establishment, alteration or closure of schools.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I97 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

10 (1) Section 29, so far as relating to disability discrimination, does not require a local authority in England or Wales exercising functions under the Education Acts or an education authority exercising relevant functions to remove or alter a physical feature.

(2) Relevant functions are functions under—

(a) the Education (Scotland) Act 1980,

(b) the Education (Scotland) Act 1996,

(c) the Standards in Scotland's Schools etc. Act 2000, or

(d) the Education (Additional Support for Learning) (Scotland) Act 2004.

Commencement Information

I98 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

11 Section 29, so far as relating to religious or belief-related discrimination, does not apply in relation to anything done in connection with—

(a) the curriculum of a school;

(b) admission to a school which has a religious ethos;

(c) acts of worship or other religious observance organised by or on behalf of a school (whether or not forming part of the curriculum);

(d) the responsible body of a school which has a religious ethos;

(e) transport to or from a school;

(f) the establishment, alteration or closure of schools.

Commencement Information

I99 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

12 This Part of this Schedule is to be construed in accordance with Chapter 1 of Part 6.

Commencement Information

I100 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 3

HEALTH AND CARE

Blood services

13 (1) A person operating a blood service does not contravene section 29 only by refusing to accept a donation of an individual's blood if—

(a) the refusal is because of an assessment of the risk to the public, or to the individual, based on clinical, epidemiological or other data obtained from a source on which it is reasonable to rely, and

(b) the refusal is reasonable.

(2) A blood service is a service for the collection and distribution of human blood for the purposes of medical services.

(3) "Blood" includes blood components.

Commencement Information

I101 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Health and safety

14 (1) A service-provider (A) who refuses to provide the service to a pregnant woman does not discriminate against her in contravention of section 29 because she is pregnant if—

(a) A reasonably believes that providing her with the service would, because she is pregnant, create a risk to her health or safety,

(b) A refuses to provide the service to persons with other physical conditions, and

(c) the reason for that refusal is that A reasonably believes that providing the service to such persons would create a risk to their health or safety.

(2) A service-provider (A) who provides, or offers to provide, the service to a pregnant woman on conditions does not discriminate against her in contravention of section 29 because she is pregnant if—

(a) the conditions are intended to remove or reduce a risk to her health or safety,

(b) A reasonably believes that the provision of the service without the conditions would create a risk to her health or safety,

(c) A imposes conditions on the provision of the service to persons with other physical conditions, and

(d) the reason for the imposition of those conditions is that A reasonably believes that the provision of the service to such persons without those conditions would create a risk to their health or safety.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I102 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Care within the family

15 A person (A) does not contravene section 29 only by participating in arrangements under which (whether or not for reward) A takes into A's home, and treats as members of A's family, persons requiring particular care and attention.

Commencement Information

I103 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

PART 4

IMMIGRATION

[F141 Age

Textual Amendments

F141 Sch. 3 para. 15A and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 2**

15A (1) This paragraph applies in relation to age discrimination.

(2) Section 29 does not apply to anything done by a relevant person in the exercise of functions exercisable by virtue of a relevant enactment.

(3) A relevant person is —
- (a) a Minister of the Crown acting personally, or
- (b) a person acting in accordance with a relevant authorisation.

(4) A relevant authorisation is a requirement imposed or express authorisation given—
- (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
- (b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.

(5) The relevant enactments are—
- (a) the Immigration Acts,
- (b) the Special Immigration Appeals Commission Act 1997,
- (c) a provision made under section 2(2) of the European Communities Act 1972 which relates to immigration or asylum, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) a provision of EU law which relates to immigration or asylum.

(6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—

(a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc.), or

(b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (power of arrest). **]**

Disability

16 (1) This paragraph applies in relation to disability discrimination.

(2) Section 29 does not apply to—

(a) a decision within sub-paragraph (3);

(b) anything done for the purposes of or in pursuance of a decision within that sub-paragraph.

(3) A decision is within this sub-paragraph if it is a decision (whether or not taken in accordance with immigration rules) to do any of the following on the ground that doing so is necessary for the public good—

(a) to refuse entry clearance;

(b) to refuse leave to enter or remain in the United Kingdom;

(c) to cancel leave to enter or remain in the United Kingdom;

(d) to vary leave to enter or remain in the United Kingdom;

(e) to refuse an application to vary leave to enter or remain in the United Kingdom.

(4) Section 29 does not apply to—

(a) a decision taken, or guidance given, by the Secretary of State in connection with a decision within sub-paragraph (3);

(b) a decision taken in accordance with guidance given by the Secretary of State in connection with a decision within that sub-paragraph.

Commencement Information

I104 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Nationality and ethnic or national origins

17 (1) This paragraph applies in relation to race discrimination so far as relating to—

(a) nationality, or

(b) ethnic or national origins.

(2) Section 29 does not apply to anything done by a relevant person in the exercise of functions exercisable by virtue of a relevant enactment.

(3) A relevant person is—

(a) a Minister of the Crown acting personally, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) a person acting in accordance with a relevant authorisation.

(4) A relevant authorisation is a requirement imposed or express authorisation given—

(a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;

(b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.

(5) The relevant enactments are—

(a) the Immigration Acts,

(b) the Special Immigration Appeals Commission Act 1997,

(c) a provision made under section 2(2) of the European Communities Act 1972 which relates to immigration or asylum, and

(d) a provision of **[**[F142]EU law**]** which relates to immigration or asylum.

(6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—

(a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc.), or

(b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (power of arrest).

Textual Amendments

F142 Words in Sch. 3 para. 17(5)(d) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), **art. 8**

Commencement Information

I105 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Religion or belief

18 (1) This paragraph applies in relation to religious or belief-related discrimination.

(2) Section 29 does not apply to a decision within sub-paragraph (3) or anything done for the purposes of or in pursuance of a decision within that sub-paragraph.

(3) A decision is within this sub-paragraph if it is a decision taken in accordance with immigration rules—

(a) to refuse entry clearance or leave to enter the United Kingdom, or to cancel leave to enter or remain in the United Kingdom, on the grounds that the exclusion of the person from the United Kingdom is conducive to the public good, or

(b) to vary leave to enter or remain in the United Kingdom, or to refuse an application to vary leave to enter or remain in the United Kingdom, on the grounds that it is undesirable to permit the person to remain in the United Kingdom.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Section 29 does not apply to a decision within sub-paragraph (5), or anything done for the purposes of or in pursuance of a decision within that sub-paragraph, if the decision is taken on grounds mentioned in sub-paragraph (6).

(5) A decision is within this sub-paragraph if it is a decision (whether or not taken in accordance with immigration rules) in connection with an application for entry clearance or for leave to enter or remain in the United Kingdom.

(6) The grounds referred to in sub-paragraph (4) are—

(a) the grounds that a person holds an office or post in connection with a religion or belief or provides a service in connection with a religion or belief,

(b) the grounds that a religion or belief is not to be treated in the same way as certain other religions or beliefs, or

(c) the grounds that the exclusion from the United Kingdom of a person to whom paragraph (a) applies is conducive to the public good.

(7) Section 29 does not apply to—

(a) a decision taken, or guidance given, by the Secretary of State in connection with a decision within sub-paragraph (3) or (5);

(b) a decision taken in accordance with guidance given by the Secretary of State in connection with a decision within either of those sub-paragraphs.

Commencement Information

I106 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Interpretation

19 A reference to entry clearance, leave to enter or remain or immigration rules is to be construed in accordance with the Immigration Act 1971.

Commencement Information

I107 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

PART 5

[[F143]INSURANCE AND OTHER FINANCIAL SERVICES]

Textual Amendments

F143 Sch. 3 Pt. 5 heading substituted (1.10.2012) by virtue of The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 3**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Services arranged by employer

20 (1) Section 29 does not apply to the provision of a relevant financial service if the provision is in pursuance of arrangements made by an employer for the service-provider to provide the service to the employer's employees, and other persons, as a consequence of the employment.

(2) "Relevant financial service" means—

(a) insurance or a related financial service, or

(b) a service relating to membership of or benefits under a personal pension scheme (within the meaning given by section 1 of the Pension Schemes Act 1993).

Commencement Information

I108 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

[F144 Age

Textual Amendments

F144 Sch. 3 para. 20A and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 3**

20A (1) A person (A) does not contravene section 29, so far as relating to age discrimination, by doing anything in connection with the provision of a financial service.

(2) Where A conducts an assessment of risk for the purposes of providing the financial service to another person (B), A may rely on sub-paragraph (1) only if the assessment of risk, so far as it involves a consideration of B's age, is carried out by reference to information which is relevant to the assessment of risk and from a source on which it is reasonable to rely.

(3) In this paragraph, " financial service " includes a service of a banking, credit, insurance, personal pension, investment or payment nature. **]**

Disability

21 (1) It is not a contravention of section 29, so far as relating to disability discrimination, to do anything in connection with insurance business if—

(a) that thing is done by reference to information that is both relevant to the assessment of the risk to be insured and from a source on which it is reasonable to rely, and

(b) it is reasonable to do that thing.

(2) "Insurance business" means business which consists of effecting or carrying out contracts of insurance; and that definition is to be read with—

(a) section 22 of the Financial Services and Markets Act 2000,

(b) any relevant order under that Act, and

(c) Schedule 2 to that Act.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I109 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Sex, gender reassignment, pregnancy and maternity

22 **F145** . . . . . .

Textual Amendments

F145 Sch. 3 para. 22 omitted (21.12.2012) by virtue of The Equality Act 2010 (Amendment) Regulations 2012 (S.I. 2012/2992), **reg. 2** (with reg. 3)

Commencement Information

I110 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Existing insurance policies

23 (1) It is not a contravention of section 29, so far as relating to relevant discrimination, to do anything in connection with insurance business in relation to an existing insurance policy.

(2) "Relevant discrimination" is—
- (a) age discrimination;
- (b) disability discrimination;
- (c) gender reassignment discrimination;
- (d) pregnancy and maternity discrimination;
- (e) race discrimination;
- (f) religious or belief-related discrimination;
- (g) sex discrimination;
- (h) sexual orientation discrimination.

(3) An existing insurance policy is a policy of insurance entered into before the date on which this paragraph comes into force.

(4) Sub-paragraph (1) does not apply where an existing insurance policy was renewed, or the terms of such a policy were reviewed, on or after the date on which this paragraph comes into force.

(5) A review of an existing insurance policy which was part of, or incidental to, a general reassessment by the service-provider of the pricing structure for a group of policies is not a review for the purposes of sub-paragraph (4).

(6) "Insurance business" has the meaning given in paragraph 21.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I111 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

PART 6

[F146 MARRIAGE: GENDER REASSIGNMENT]

Textual Amendments

F146 Sch. 3 Pt. 6 heading substituted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 44**; S.I. 2014/93, art. 3(k)(iv)

Gender reassignment: England and Wales

24 (1) A person does not contravene section 29, so far as relating to gender reassignment discrimination, only because of anything done in reliance on section 5B of the Marriage Act 1949 (solemnisation of marriages involving person of acquired gender).

(2) A person (A) whose consent to the solemnisation of the marriage of a person (B) is required under section 44(1) of the Marriage Act 1949 (solemnisation in registered building) does not contravene section 29, so far as relating to gender reassignment discrimination, by refusing to consent if A reasonably believes that B's gender has become the acquired gender under the Gender Recognition Act 2004.

(3) Sub-paragraph (4) applies to a person (A) who may, in a case that comes within the Marriage Act 1949 (other than the case mentioned in sub-paragraph (1)), solemnise marriages according to a form, rite or ceremony of a body of persons who meet for religious worship.

(4) A does not contravene section 29, so far as relating to gender reassignment discrimination, by refusing to solemnise, in accordance with a form, rite or ceremony as described in sub-paragraph (3), the marriage of a person (B) if A reasonably believes that B's gender has become the acquired gender under the Gender Recognition Act 2004.

Commencement Information

I112 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F147PART 6ZA

MARRIAGE AND CIVIL PARTNERSHIP: SCOTLAND]

Textual Amendments

F147 Sch. 3 Pt. 6ZA heading inserted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 19(5)(a)**

Gender reassignment: Scotland

25 (1) An approved celebrant (A) does not contravene section 29, so far as relating to gender reassignment discrimination, only by refusing to solemnise the marriage of a person (B) if A reasonably believes that B's gender has become the acquired gender under the Gender Recognition Act 2004.

(2) In sub-paragraph (1) "approved celebrant" has the meaning given in section 8(2)(a) of the Marriage (Scotland) Act 1977 (persons who may solemnise marriage).

[F148(3) An approved celebrant (A) does not contravene section 29, so far as relating to gender reassignment discrimination, only by refusing to register the civil partnership of a person (B) if A reasonably believes that B's gender has become the acquired gender under the Gender Recognition Act 2004.

(4) In sub-paragraph (3) "approved celebrant" has the meaning given in section 94A(4)(a) of the Civil Partnership Act 2004.]

Textual Amendments

F148 Sch. 3 para. 25(3)(4) inserted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 19(5)(b)**

Commencement Information

I113 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

[F149PART 6A

MARRIAGE OF SAME SEX COUPLES [F150AND CIVIL PARTNERSHIP] IN ENGLAND AND WALES

Textual Amendments

F149 Sch. 3 Pt. 6A inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), **ss. 2(6)**, 21(3); S.I. 2014/93, art. 3(a)

F150 Words in Sch. 3 Pt. 6A heading inserted (E.W.S.) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **10(3)(a)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Marriage according to religious rites: no compulsion to solemnize etc

25A (1) A person does not contravene section 29 only because the person—

(a) does not conduct a relevant marriage,

(b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or

(c) does not consent to a relevant marriage being conducted,

for the reason that the marriage is the marriage of a same sex couple.

(2) Expressions used in this paragraph and in section 2 of the Marriage (Same Sex Couples) Act 2013 have the same meanings in this paragraph as in that section.**]**

No compulsion for religious organisations or persons acting on their behalf to act in relation to civil partnerships

[[F151]25AA. (1) A protected person does not contravene section 29 only because the person—

(a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 ("the 2004 Act"), or

(b) does not provide, arrange, facilitate or participate in, or is not present at—

(i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or

(ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(2) An employer or principal does not contravene section 29 only because the employer or principal is treated under section 109 as doing something that does not, by virtue of sub-paragraph (1), amount to a contravention of section 29 by the employee or agent who in fact does it.

(3) In this paragraph—

"protected person" has the meaning given by section 30ZA(2) of the 2004 Act;

"religious premises" has the meaning given by section 6A(3C) of the 2004 Act.**]**

Textual Amendments

F151 Sch. 3 Pt. 6A para. 25AA inserted (E.W.S.) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **10(3)(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F152PART 6B

MARRIAGE OF SAME SEX COUPLES AND CIVIL PARTNERSHIP: SCOTLAND

Textual Amendments

F152 Sch. 3 Pt. 6B inserted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 19(5)(c)**

Marriage of same sex couples and civil partnership: Scotland

25B (1) An approved celebrant does not contravene section 29 only by refusing to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

(2) An approved celebrant does not contravene section 29 only by refusing to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(3) A person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the solemnising of a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

(4) A person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the registration of a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(5) For the purposes of this paragraph, a person is an approved celebrant for the purposes of both marriage and civil partnership whether the person is an approved celebrant within the meaning of section 8(2)(a) of the Marriage (Scotland) Act 1977 or section 94A(4)(a) of the Civil Partnership Act 2004.

(6) In this paragraph—

"relevant Scottish civil partnership" means a religious or belief civil partnership within the meaning of section 94A(4)(b) of the Civil Partnership Act 2004;

"relevant Scottish marriage" means a religious or belief marriage of two persons of the same sex within the meaning of section 8(2)(a) of the Marriage (Scotland) Act 1977.

Marriage of same sex couples: Scottish forces marriages

25C (1) A chaplain does not contravene section 29 only by refusing to solemnise a relevant Scottish forces marriage according to religious rites or usages for the reason that the marriage is the marriage of two persons of the same sex.

(2) In this paragraph—

"chaplain" has the meaning given by paragraph (a) of the definition of "authorised person" in paragraph 12(2) of Schedule 6 to the Marriage (Same Sex Couples) Act 2013;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"forces marriage" has the meaning given by paragraph 12(2) of Schedule 6 to the Marriage (Same Sex Couples) Act 2013;

"relevant Scottish forces marriage" means a forces marriage of two persons of the same sex where Scotland is the relevant part of the United Kingdom within the meaning of paragraph 12 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013.**]**

PART 7

[F153 SEPARATE, SINGLE AND CONCESSIONARY SERVICES, ETC]

Textual Amendments

F153 Sch. 3 Pt. 7 heading substituted (1.10.2012) by virtue of The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 4**

Separate services for the sexes

26 (1) A person does not contravene section 29, so far as relating to sex discrimination, by providing separate services for persons of each sex if—

(a) a joint service for persons of both sexes would be less effective, and

(b) the limited provision is a proportionate means of achieving a legitimate aim.

(2) A person does not contravene section 29, so far as relating to sex discrimination, by providing separate services differently for persons of each sex if—

(a) a joint service for persons of both sexes would be less effective,

(b) the extent to which the service is required by one sex makes it not reasonably practicable to provide the service otherwise than as a separate service provided differently for each sex, and

(c) the limited provision is a proportionate means of achieving a legitimate aim.

(3) This paragraph applies to a person exercising a public function in relation to the provision of a service as it applies to the person providing the service.

Commencement Information

I114 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Single-sex services

27 (1) A person does not contravene section 29, so far as relating to sex discrimination, by providing a service only to persons of one sex if—

(a) any of the conditions in sub-paragraphs (2) to (7) is satisfied, and

(b) the limited provision is a proportionate means of achieving a legitimate aim.

(2) The condition is that only persons of that sex have need of the service.

(3) The condition is that—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the service is also provided jointly for persons of both sexes, and
(b) the service would be insufficiently effective were it only to be provided jointly.

(4) The condition is that—
(a) a joint service for persons of both sexes would be less effective, and
(b) the extent to which the service is required by persons of each sex makes it not reasonably practicable to provide separate services.

(5) The condition is that the service is provided at a place which is, or is part of—
(a) a hospital, or
(b) another establishment for persons requiring special care, supervision or attention.

(6) The condition is that—
(a) the service is provided for, or is likely to be used by, two or more persons at the same time, and
(b) the circumstances are such that a person of one sex might reasonably object to the presence of a person of the opposite sex.

(7) The condition is that—
(a) there is likely to be physical contact between a person (A) to whom the service is provided and another person (B), and
(b) B might reasonably object if A were not of the same sex as B.

(8) This paragraph applies to a person exercising a public function in relation to the provision of a service as it applies to the person providing the service.

Commencement Information
I115 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Gender reassignment

28 (1) A person does not contravene section 29, so far as relating to gender reassignment discrimination, only because of anything done in relation to a matter within sub-paragraph (2) if the conduct in question is a proportionate means of achieving a legitimate aim.

(2) The matters are—
(a) the provision of separate services for persons of each sex;
(b) the provision of separate services differently for persons of each sex;
(c) the provision of a service only to persons of one sex.

Commencement Information
I116 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Services relating to religion

29 (1) A minister does not contravene section 29, so far as relating to sex discrimination, by providing a service only to persons of one sex or separate services for persons of each sex, if—

(a) the service is provided for the purposes of an organised religion,

(b) it is provided at a place which is (permanently or for the time being) occupied or used for those purposes, and

(c) the limited provision of the service is necessary in order to comply with the doctrines of the religion or is for the purpose of avoiding conflict with the strongly held religious convictions of a significant number of the religion's followers.

(2) The reference to a minister is a reference to a minister of religion, or other person, who—

(a) performs functions in connection with the religion, and

(b) holds an office or appointment in, or is accredited, approved or recognised for purposes of, a relevant organisation in relation to the religion.

(3) An organisation is a relevant organisation in relation to a religion if its purpose is—

(a) to practise the religion,

(b) to advance the religion,

(c) to teach the practice or principles of the religion,

(d) to enable persons of the religion to receive benefits, or to engage in activities, within the framework of that religion, or

(e) to foster or maintain good relations between persons of different religions.

(4) But an organisation is not a relevant organisation in relation to a religion if its sole or main purpose is commercial.

Commencement Information

I117 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Services generally provided only for persons who share a protected characteristic

30 If a service is generally provided only for persons who share a protected characteristic, a person (A) who normally provides the service for persons who share that characteristic does not contravene section 29(1) or (2)—

(a) by insisting on providing the service in the way A normally provides it, or

(b) if A reasonably thinks it is impracticable to provide the service to persons who do not share that characteristic, by refusing to provide the service.

Commencement Information

I118 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F154 Concessions

Textual Amendments

F154 Sch. 3 para. 30A and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 4**

30A (1) A person does not contravene section 29, so far as relating to age discrimination, by giving a concession in respect of a service to persons of a particular age group.

(2) The reference to a concession in respect of a service is a reference to a benefit, right or privilege having the effect that the manner in which the service is provided is, or the terms on which it is provided are, more favourable than the manner in which, or the terms on which, it is usually provided to the public (or, where it is provided to a section of the public, that section).**]**

[F155 Age related holidays

Textual Amendments

F155 Sch. 3 para. 30B and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 5**

30B (1) A person (P) does not contravene section 29, so far as relating to age discrimination, by providing a relevant holiday service to persons of a particular age group.

(2) In sub-paragraph (1) " relevant holiday service " means a service—

(a) which involves the provision of at least two of the following together for a single price—

(i) travel;

(ii) accommodation;

(iii) access to activities or services not ancillary to travel or accommodation which form a significant part of the service or its cost;

(b) the provision of which is for a period of more than 24 hours or includes the provision of overnight accommodation;

(c) which P provides only to persons of the age group in question; and

(d) an essential feature of which is the bringing together of persons of that age group with a view to facilitating their enjoyment of facilities or services designed with particular regard to persons of that age group.

(3) P may not rely on sub-paragraph (1) unless, before providing a person with a relevant holiday service, P provides the person with a written statement that the service is provided only to persons of the age group in question.

(4) For the purpose of sub-paragraph (2)(a)(i), " travel " includes an option for an individual to make alternative travel arrangements to those included in the relevant holiday service as offered by P. **]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F156 Age restricted services

Textual Amendments

F156 Sch. 3 para. 30C and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 6**

30C (1) This paragraph applies where a person (P)—

(a) provides a service the provision of which is prohibited by or under an enactment to persons under the age specified in or under the enactment ("the statutory age"), and

(b) displays on the premises on which the service is provided an age warning in relation to the provision of the service.

(2) An age warning in relation to the provision of a service is a statement to the effect that the service will not be provided to a person who—

(a) appears to P, or an employee or agent of P's, to be under the age specified in the statement, and

(b) on being required to do so by P or the employee or agent, fails to produce satisfactory identification.

(3) P does not contravene section 29, so far as relating to age discrimination, by not providing the service to a person, who—

(a) appears to P, or an employee or agent of P's, to be under the age specified in the age warning in relation to the provision of the service, and

(b) on being required to do so by P or the employee or agent, fails to produce satisfactory identification.

(4) In this paragraph—

(a) a reference to the provision of a service includes a reference to provision of access to the service, and

(b) " satisfactory identification ", in relation to a person, means a valid document which—

(i) in the case of licensed premises where an age condition applies, meets that condition, and

(ii) in any other case includes a photograph of the person and establishes that the person has attained the statutory age in relation to the provision of a service;

" licensed premises " means premises in respect of which a relevant premises licence within the meaning of section 19A of the Licensing Act 2003 (mandatory conditions where alcohol sold) has effect; and

" age condition " means a condition specified in an order under subsection (1) of section 19A of that Act requiring the age of certain persons to be verified in the manner specified in the condition before they are served alcohol in premises where the condition applies. **]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F157 Residential mobile homes

Textual Amendments

F157 Sch. 3 para. 30D and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 7**

30D (1) A person (A) who is the owner of a protected site does not contravene section 29, so far as relating to age discrimination, by—

(a) entering into a mobile home agreement with a person (B) that entitles only persons who have attained a particular age to station and occupy a mobile home on land forming part of the site, or

(b) refusing to permit assignment by B of a mobile home agreement to any person other than a person who has attained a particular age.

(2) A does not contravene section 29, so far as relating to age discrimination, by imposing a requirement in park rules that mobile homes stationed on land forming part of the site and occupied under mobile home agreements may be occupied only by persons who have attained a particular age.

(3) A does not contravene section 29, so far as relating to age discrimination, by—

(a) imposing in or under a mobile home rental agreement with a person (C) a requirement that the mobile home to which the agreement relates may be occupied only by persons who have attained a particular age, or

(b) refusing to permit assignment by C of a mobile home rental agreement to any person other than a person who has attained a particular age.

(4) But A may not rely on sub-paragraph (1) or (3) unless, before doing something mentioned in that sub-paragraph, A provides B or C, as the case may be, with a written statement to the effect that the mobile home in question may be occupied only by persons who have attained the age in question.

(5) In this paragraph,

" mobile home agreement " means an agreement to which the Mobile Homes Act 1983 **[**[F158] or Part 4 of the Mobile Homes (Wales) Act 2013 **]** applies; and " owner ", " protected site " and " mobile home " have the same meaning as in that Act **[**[F159] or that Part of that Act **]** ;

" park rules " means rules applying to residents of mobile homes on the protected site and required to be observed by a term in the mobile home agreement or the mobile home rental agreement as the case may be;

" mobile home rental agreement " means an agreement (other than an arrangement to occupy a mobile home for the purposes of a holiday) under which a person (" the occupier ") is entitled to occupy a mobile home on the protected site as the occupier's residence whether for a specified period or for successive periods of a specified duration subject to payment of money and the performance of other obligations. **]**

Textual Amendments

F158 Words in Sch. 3 para. 30D(5) inserted (E.W.) (5.11.2013) by Mobile Homes (Wales) Act 2013 (anaw 6), s. 64(1), **Sch. 4 para. 11(a)** (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, art. 3(2))

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F159 Words in Sch. 3 para. 30D(5) inserted (E.W.) (5.11.2013) by Mobile Homes (Wales) Act 2013 (anaw 6), s. 64(1), **Sch. 4 para. 11(b)** (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, art. 3(2))

PART 8

TELEVISION, RADIO AND ON-LINE BROADCASTING AND DISTRIBUTION

31 (1) Section 29 does not apply to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003).

(2) Sub-paragraph (1) does not apply to the provision of an electronic communications network, electronic communications service or associated facility (each of which has the same meaning as in that Act).

Commencement Information

I119 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

PART 9

TRANSPORT

Application to disability

32 This Part of this Schedule applies in relation to disability discrimination.

Commencement Information

I120 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

Transport by air

33 (1) Section 29 does not apply to—

(a) transporting people by air;

(b) a service provided on a vehicle for transporting people by air.

(2) Section 29 does not apply to anything governed by Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I121 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

[F160 Transport by land: road]

Textual Amendments

F160 Sch. 3 para. 34 cross-heading substituted (1.10.2010) by virtue of The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), **art. 9**

34 (1) Section 29 does not apply to transporting people by land, unless the vehicle concerned is—

(a) a hire-vehicle designed and constructed for the carriage of passengers and comprising no more than 8 seats in addition to the driver's seat,

(b) a hire-vehicle designed and constructed for the carriage of passengers, comprising more than 8 seats in addition to the driver's seat and having a maximum mass not exceeding 5 tonnes,

(c) a hire-vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes,

(d) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998 (or under a provision of a local Act corresponding to either of those provisions),

(e) a private hire car (within the meaning of section 23 of the Civic Government (Scotland) Act 1982),

(f) a public service vehicle (within the meaning given by section 1 of the Public Passenger Vehicles Act 1981),

(g) a vehicle built or adapted to carry passengers on a railway or tramway (within the meaning, in each case, of the Transport and Works Act 1992),

(h) a taxi,

(i) a vehicle deployed to transport the driver and passengers of a vehicle that has broken down or is involved in an accident, or

(j) a vehicle deployed on a system using a mode of guided transport (within the meaning of the Transport and Works Act 1992).

[F161 (1A) Sections 20 to 22 and section 29 do not apply to anything that is governed by Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 .]

(2) Paragraph 4 of Schedule 2 applies for the purposes of this paragraph as it applies for the purposes of paragraph 3 of that Schedule.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F161 Sch. 3 para. 34(1A) inserted (19.8.2013) by The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 (S.I. 2013/1865), regs. 1(1), **13(4)**

Commencement Information

I122 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

[F162 Transport by land: rail

Textual Amendments

F162 Sch. 3 para. 34A and cross-heading inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), **art. 9**

34A Section 29 does not apply to anything governed by Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.][M1]

Marginal Citations

M1 OJ No. L315, 3.12.2007, p.14.

PART 10

SUPPLEMENTARY

Power to amend

35 (1) A Minister of the Crown may by order amend this Schedule—

(a) so as to add, vary or omit an exception to section 29, so far as relating to disability, religion or belief or sexual orientation;

(b) so as to add, vary or omit an exception to section 29(6), so far as relating to gender reassignment, pregnancy and maternity, race or sex.

(2) But provision by virtue of sub-paragraph (1) may not amend this Schedule—

(a) so as to omit an exception in paragraph 1, 2 or 3;

(b) so as to reduce the extent to which an exception in paragraph 1, 2 or 3 applies.

(3) For the purposes of an order under sub-paragraph (1)(a), so far as relating to disability, which makes provision in relation to transport by air, it does not matter whether the transport is within or outside the United Kingdom.

(4) Before making an order under this paragraph the Minister must consult the Commission.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Nothing in this paragraph affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

Commencement Information

I123 Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, **art. 2(3)**; Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(d)**

SCHEDULE 4

Section 38

PREMISES: REASONABLE ADJUSTMENTS

Preliminary

1 This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part.

The duty in relation to let premises

2 (1) This paragraph applies where A is a controller of let premises.

(2) A must comply with the first and third requirements.

(3) For the purposes of this paragraph, the reference in section 20(3) to a provision, criterion or practice of A's includes a reference to a term of the letting.

(4) For those purposes, the reference in section 20(3) or (5) to a disabled person is a reference to a disabled person who—

(a) is a tenant of the premises, or

(b) is otherwise entitled to occupy them.

(5) In relation to each requirement, the relevant matters are—

(a) the enjoyment of the premises;

(b) the use of a benefit or facility, entitlement to which arises as a result of the letting.

(6) Sub-paragraph (2) applies only if A receives a request from or on behalf of the tenant or a person entitled to occupy the premises to take steps to avoid the disadvantage or provide the auxiliary aid.

(7) If a term of the letting that prohibits the tenant from making alterations puts the disabled person at the disadvantage referred to in the first requirement, A is required to change the term only so far as is necessary to enable the tenant to make alterations to the let premises so as to avoid the disadvantage.

(8) It is never reasonable for A to have to take a step which would involve the removal or alteration of a physical feature.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) For the purposes of this paragraph, physical features do not include furniture, furnishings, materials, equipment or other chattels in or on the premises; and none of the following is an alteration of a physical feature—
  (a) the replacement or provision of a sign or notice;
  (b) the replacement of a tap or door handle;
  (c) the replacement, provision or adaptation of a door bell or door entry system;
  (d) changes to the colour of a wall, door or any other surface.

(10) The terms of a letting include the terms of an agreement relating to it.

The duty in relation to premises to let

3 (1) This paragraph applies where A is a controller of premises to let.

(2) A must comply with the first and third requirements.

(3) For the purposes of this paragraph, the reference in section 20(3) or (5) to a disabled person is a reference to a disabled person who is considering taking a letting of the premises.

(4) In relation to each requirement, the relevant matter is becoming a tenant of the premises.

(5) Sub-paragraph (2) applies only if A receives a request by or on behalf of a disabled person within sub-paragraph (3) for A to take steps to avoid the disadvantage or provide the auxiliary aid.

(6) Nothing in this paragraph requires A to take a step which would involve the removal or alteration of a physical feature.

(7) Sub-paragraph (9) of paragraph 2 applies for the purposes of this paragraph as it applies for the purposes of that paragraph.

The duty in relation to commonhold units

4 (1) This paragraph applies where A is a commonhold association; and the reference to a commonhold association is a reference to the association in its capacity as the person who manages a commonhold unit.

(2) A must comply with the first and third requirements.

(3) For the purposes of this paragraph, the reference in section 20(3) to a provision, criterion or practice of A's includes a reference to—
  (a) a term of the commonhold community statement, or
  (b) any other term applicable by virtue of the transfer of the unit to the unit-holder.

(4) For those purposes, the reference in section 20(3) or (5) to a disabled person is a reference to a disabled person who—
  (a) is the unit-holder, or
  (b) is otherwise entitled to occupy the unit.

(5) In relation to each requirement, the relevant matters are—
  (a) the enjoyment of the unit;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the use of a benefit or facility, entitlement to which arises as a result of a term within sub-paragraph (3)(a) or (b).

(6) Sub-paragraph (2) applies only if A receives a request from or on behalf of the unit-holder or a person entitled to occupy the unit to take steps to avoid the disadvantage or provide the auxiliary aid.

(7) If a term within sub-paragraph (3)(a) or (b) that prohibits the unit-holder from making alterations puts the disabled person at the disadvantage referred to in the first requirement, A is required to change the term only so far as is necessary to enable the unit-holder to make alterations to the unit so as to avoid the disadvantage.

(8) It is never reasonable for A to have to take a step which would involve the removal or alteration of a physical feature; and sub-paragraph (9) of paragraph 2 applies in relation to a commonhold unit as it applies in relation to let premises.

PROSPECTIVE

The duty in relation to common parts

5 (1) This paragraph applies where A is a responsible person in relation to common parts.

(2) A must comply with the second requirement.

(3) For the purposes of this paragraph, the reference in section 20(4) to a physical feature is a reference to a physical feature of the common parts.

(4) For those purposes, the reference in section 20(4) to a disabled person is a reference to a disabled person who—

(a) is a tenant of the premises,

(b) is a unit-holder, or

(c) is otherwise entitled to occupy the premises,

and uses or intends to use the premises as the person's only or main home.

(5) In relation to the second requirement, the relevant matter is the use of the common parts.

(6) Sub-paragraph (2) applies only if—

(a) A receives a request by or on behalf of a disabled person within sub-paragraph (4) for A to take steps to avoid the disadvantage, and

(b) the steps requested are likely to avoid or reduce the disadvantage.

PROSPECTIVE

Consultation on adjustments relating to common parts

6 (1) In deciding whether it is reasonable to take a step for the purposes of paragraph 5, A must consult all persons A thinks would be affected by the step.

(2) The consultation must be carried out within a reasonable period of the request being made.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) A is not required to have regard to a view expressed against taking a step in so far as A reasonably believes that the view is expressed because of the disabled person's disability.

(4) Nothing in this paragraph affects anything a commonhold association is required to do pursuant to Part 1 of the Commonhold and Leasehold Reform Act 2002.

PROSPECTIVE

Agreement on adjustments relating to common parts

7 (1) If A decides that it is reasonable to take a step for the purposes of paragraph 5, A and the disabled person must agree in writing the rights and responsibilities of each of them in relation to the step.

(2) An agreement under this paragraph must, in particular, make provision as to the responsibilities of the parties in relation to—

(a) the costs of any work to be undertaken;

(b) other costs arising from the work;

(c) the restoration of the common parts to their former condition if the relevant disabled person stops living in the premises.

(3) It is always reasonable before the agreement is made for A to insist that the agreement should require the disabled person to pay—

(a) the costs referred to in paragraphs (a) and (b) of sub-paragraph (2), and

(b) the costs of the restoration referred to in paragraph (c) of that sub-paragraph.

(4) If an agreement under this paragraph is made, A's obligations under the agreement become part of A's interest in the common parts and pass on subsequent disposals accordingly.

(5) Regulations may require a party to an agreement under this paragraph to provide, in prescribed circumstances, prescribed information about the agreement to persons of a prescribed description.

(6) The regulations may require the information to be provided in a prescribed form.

(7) Regulations may make provision as to circumstances in which an agreement under this paragraph is to cease to have effect, in so far as the agreement does not itself make provision for termination.

Victimisation

8 (1) This paragraph applies where the relevant disabled person comes within paragraph 2(4)(b), 4(4)(b) or 5(4)(c).

(2) A must not, because of costs incurred in connection with taking steps to comply with a requirement imposed for the purposes of paragraph 2, 4 or 5, subject to a detriment—

(a) a tenant of the premises, or

(b) the unit-holder.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I124 Sch. 4 para. 8 partly in force; para. 8 not in force at Royal Assent see s. 216; para. 8 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(4)(e)(ii)**

Regulations

9 (1) This paragraph applies for the purposes of section 36 and this Schedule.

(2) Regulations may make provision as to—

(a) circumstances in which premises are to be treated as let, or as not let, to a person;

(b) circumstances in which premises are to be treated as being, or as not being, to let;

(c) who is to be treated as being, or as not being, a person entitled to occupy premises otherwise than as tenant or unit-holder;

(d) who is to be treated as being, or as not being, a person by whom premises are let;

(e) who is to be treated as having, or as not having, premises to let;

(f) who is to be treated as being, or as not being, a manager of premises.

(3) Provision made by virtue of this paragraph may amend this Schedule.

Commencement Information

I125 Sch. 4 para. 9 wholly in force; para. 9 not in force at Royal Assent see s. 216; para. 9 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; para. 9 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(4)(e)(iii)** (with art. 15)

SCHEDULE 5

Section 38

PREMISES: EXCEPTIONS

Owner-occupier

1 (1) This paragraph applies to the private disposal of premises by an owner-occupier.

(2) A disposal is a private disposal only if the owner-occupier does not—

(a) use the services of an estate agent for the purpose of disposing of the premises, or

(b) publish (or cause to be published) an advertisement in connection with their disposal.

(3) Section 33(1) applies only in so far as it relates to race.

(4) Section 34(1) does not apply in so far as it relates to—

(a) religion or belief, or

(b) sexual orientation.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In this paragraph—

"estate agent" means a person who, by way of profession or trade, provides services for the purpose of—

(a) finding premises for persons seeking them, or

(b) assisting in the disposal of premises;

"owner-occupier" means a person who—

(a) owns an estate or interest in premises, and

(b) occupies the whole of them.

2 (1) Section 36(1)(a) does not apply if—

(a) the premises are, or have been, the only or main home of a person by whom they are let, and

(b) since entering into the letting, neither that person nor any other by whom they are let has used a manager for managing the premises.

(2) A manager is a person who, by profession or trade, manages let premises.

(3) Section 36(1)(b) does not apply if—

(a) the premises are, or have been, the only or main home of a person who has them to let, and

(b) neither that person nor any other who has the premises to let uses the services of an estate agent for letting the premises.

(4) "Estate agent" has the meaning given in paragraph 1.

Small premises

3 (1) This paragraph applies to anything done by a person in relation to the disposal, occupation or management of part of small premises if—

(a) the person or a relative of that person resides, and intends to continue to reside, in another part of the premises, and

(b) the premises include parts (other than storage areas and means of access) shared with residents of the premises who are not members of the same household as the resident mentioned in paragraph (a).

(2) Sections 33(1), 34(1) and 35(1) apply only in so far as they relate to race.

(3) Premises are small if—

(a) the only other persons occupying the accommodation occupied by the resident mentioned in sub-paragraph (1)(a) are members of the same household,

(b) the premises also include accommodation for at least one other household,

(c) the accommodation for each of those other households is let, or available for letting, on a separate tenancy or similar agreement, and

(d) the premises are not normally sufficient to accommodate more than two other households.

(4) Premises are also small if they are not normally sufficient to provide residential accommodation for more than six persons (in addition to the resident mentioned in sub-paragraph (1)(a) and members of the same household).

(5) In this paragraph, "relative" means—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) spouse or civil partner,
(b) unmarried partner,
(c) parent or grandparent,
(d) child or grandchild (whether or not legitimate),
(e) the spouse, civil partner or unmarried partner of a child or grandchild,
(f) brother or sister (whether of full blood or half-blood), or
(g) a relative within paragraph (c), (d), (e) or (f) whose relationship arises as a result of marriage or civil partnership.

(6) In sub-paragraph (5), a reference to an unmarried partner is a reference to the other member of a couple consisting **[**[F163]of two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.**]**

Textual Amendments

F163 Words in Sch. 5 para. 3(6) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(4)**

4 (1) Section 36(1) does not apply if—
(a) the premises in question are small premises,
(b) the relevant person or a relative of that person resides, and intends to continue to reside, in another part of the premises, and
(c) the premises include parts (other than storage areas and means of access) shared with residents of the premises who are not members of the same household as the resident mentioned in paragraph (b).

(2) The relevant person is the person who, for the purposes of section 36(1), is—
(a) the controller of the premises, or
(b) the responsible person in relation to the common parts to which the premises relate.

(3) "Small premises" and "relative" have the same meaning as in paragraph 3.

5 A Minister of the Crown may by order amend paragraph 3 or 4.

SCHEDULE 6

Section 52

OFFICE-HOLDERS: EXCLUDED OFFICES

Work to which other provisions apply

1 (1) An office or post is not a personal or public office in so far as one or more of the provisions mentioned in sub-paragraph (2)—
(a) applies in relation to the office or post, or
(b) would apply in relation to the office or post but for the operation of some other provision of this Act.

(2) Those provisions are—
(a) section 39 (employment);

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) section 41 (contract work);
(c) section 44 (partnerships).
(d) section 45 (LLPs);
(e) section 47 (barristers);
(f) section 48 (advocates);
(g) section 55 (employment services) so far as applying to the provision of work experience within section 56(2)(a) or arrangements within section 56(2)(c) for such provision.

Political offices

2 (1) An office or post is not a personal or public office if it is a political office.

(2) A political office is an office or post set out in the second column of the following Table—

Political setting	***Office or post***
Houses of Parliament	An office of the House of Commons held by a member of that House
	An office of the House of Lords held by a member of that House
	A Ministerial office within the meaning of section 2 of the House of Commons Disqualification Act 1975
	The office of the Leader of the Opposition within the meaning of the Ministerial and other Salaries Act 1975
	The office of the Chief Opposition Whip, or of an Assistant Opposition Whip, within the meaning of that Act
Scottish Parliament	An office of the Scottish Parliament held by a member of the Parliament
	The office of a member of the Scottish Executive
	The office of a junior Scottish Minister
National Assembly for Wales	An office of the National Assembly for Wales held by a member of the Assembly
	The office of a member of the Welsh Assembly Government
Local government in England (outside London)	An office of a county council, district council or parish council in England held by a member of the council
	An office of the Council of the Isles of Scilly held by a member of the Council

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Local government in London	An office of the Greater London Authority held by the Mayor of London or a member of the London Assembly
	An office of a London borough council held by a member of the council
	An office of the Common Council of the City of London held by a member of the Council
Local government in Wales	An office of a county council, county borough council or community council in Wales held by a member of the council
Local government in Scotland	An office of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 held by a member of the council
	An office of a council established under section 51 of the Local Government (Scotland) Act 1973 held by a member of the council
Political parties	An office of a registered political party

(3) The reference to a registered political party is a reference to a party registered in the Great Britain register under Part 2 of the Political Parties, Elections and Referendums Act 2000.

Honours etc.

3 A life peerage (within the meaning of the Life Peerages Act 1958), or any other dignity or honour conferred by the Crown, is not a personal or public office.

***[F164** Bishops*

Textual Amendments

F164 Sch. 6 para. 4 and cross-heading inserted (17.11.2014) by Bishops and Priests (Consecration and Ordination of Women) Measure 2014 (No. 2), **ss. 2**, 4(2); 2014 No. 5, art. 2

4 The office of diocesan or suffragan bishop is not a public office.**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 7

Section 80

EQUALITY OF TERMS: EXCEPTIONS

PART 1

TERMS OF WORK

Compliance with laws regulating employment of women, etc.

1 Neither a sex equality clause nor a maternity equality clause has effect in relation to terms of work affected by compliance with laws regulating—

(a) the employment of women;

(b) the appointment of women to personal or public offices.

Pregnancy, etc.

2 A sex equality clause does not have effect in relation to terms of work affording special treatment to women in connection with pregnancy or childbirth.

PART 2

OCCUPATIONAL PENSION SCHEMES

Preliminary

3 (1) A sex equality rule does not have effect in relation to a difference as between men and women in the effect of a relevant matter if the difference is permitted by or by virtue of this Part of this Schedule.

(2) "Relevant matter" has the meaning given in section 67.

State retirement pensions

4 (1) This paragraph applies where a man and a woman are eligible, in such circumstances as may be prescribed, to receive different amounts by way of pension.

(2) The difference is permitted if, in prescribed circumstances, it is attributable only to differences between men and women in the retirement benefits to which, in prescribed circumstances, the man and woman are or would be entitled.

(3) "Retirement benefits" are benefits under sections 43 to 55 of the Social Security Contributions and Benefits Act 1992 (state retirement pensions)**[**[F165]or sections 2 to 12 of the Pensions Act 2014 (state pension)**]**.

Textual Amendments

F165 Words in Sch. 7 para. 4(3) inserted (6.4.2016 art. 1(2)) by The Pensions Act 2014 (Consequential and Supplementary Amendments) Order 2016 (S.I. 2016/224), **art. 8**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I126 Sch. 7 para. 4 wholly in force; para. 4 not in force at Royal Assent see s. 216; para. 4 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 7 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(g)** (with art. 15)

Actuarial factors

5 (1) A difference as between men and women is permitted if it consists of applying to the calculation of the employer's contributions to an occupational pension scheme actuarial factors which—

(a) differ for men and women, and

(b) are of such description as may be prescribed.

(2) A difference as between men and women is permitted if it consists of applying to the determination of benefits of such description as may be prescribed actuarial factors which differ for men and women.

Commencement Information

I127 Sch. 7 para. 5 wholly in force; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 7 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(g)** (with art. 15)

Power to amend

6 (1) Regulations may amend this Part of this Schedule so as to add, vary or omit provision about cases where a difference as between men and women in the effect of a relevant matter is permitted.

(2) The regulations may make provision about pensionable service before the date on which they come into force (but not about pensionable service before 17 May 1990).

Commencement Information

I128 Sch. 7 para. 6 wholly in force; para. 6 not in force at Royal Assent see s. 216; para. 6 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 7 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(g)** (with art. 15)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 8

Section 83

WORK: REASONABLE ADJUSTMENTS

PART 1

INTRODUCTORY

Preliminary

1 This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part of this Act.

The duty

2 (1) A must comply with the first, second and third requirements.

(2) For the purposes of this paragraph—

(a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;

(b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;

(c) the reference in section 20(3), (4) or (5) to a disabled person is to an interested disabled person.

(3) In relation to the first and third requirements, a relevant matter is any matter specified in the first column of the applicable table in Part 2 of this Schedule.

(4) In relation to the second requirement, a relevant matter is—

(a) a matter specified in the second entry of the first column of the applicable table in Part 2 of this Schedule, or

(b) where there is only one entry in a column, a matter specified there.

(5) If two or more persons are subject to a duty to make reasonable adjustments in relation to the same interested disabled person, each of them must comply with the duty so far as it is reasonable for each of them to do so.

3 (1) This paragraph applies if a duty to make reasonable adjustments is imposed on A by section 55 (except where the employment service which A provides is the provision of vocational training within the meaning given by section 56(6)(b)).

(2) The reference in section 20(3), (4) and (5) to a disabled person is a reference to an interested disabled person.

(3) In relation to each requirement, the relevant matter is the employment service which A provides.

(4) Sub-paragraph (5) of paragraph 2 applies for the purposes of this paragraph as it applies for the purposes of that paragraph.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 2

INTERESTED DISABLED PERSON

Preliminary

4 An interested disabled person is a disabled person who, in relation to a relevant matter, is of a description specified in the second column of the applicable table in this Part of this Schedule.

Employers (see section 39)

5 (1) This paragraph applies where A is an employer.

Relevant matter	***Description of disabled person***
Deciding to whom to offer employment.	A person who is, or has notified A that the person may be, an applicant for the employment.
Employment by A.	An applicant for employment by A. An employee of A's.

(2) Where A is the employer of a disabled contract worker (B), A must comply with the first, second and third requirements on each occasion when B is supplied to a principal to do contract work.

(3) In relation to the first requirement (as it applies for the purposes of sub-paragraph (2)) —

(a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of all or most of the principals to whom B is or might be supplied,

(b) the reference to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of the principals referred to in paragraph (a), and

(c) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if the provision, criterion or practice were applied by or on behalf of A.

(4) In relation to the second requirement (as it applies for the purposes of sub-paragraph (2))—

(a) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by each of the principals referred to in sub-paragraph (3)(a),

(b) the reference to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of those principals, and

(c) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if the premises were occupied by A.

(5) In relation to the third requirement (as it applies for the purposes of sub-paragraph (2))—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the reference in section 20(5) to being put at a substantial disadvantage is a reference to being likely to be put at a substantial disadvantage that is the same or similar in the case of each of the principals referred to in sub-paragraph (3)(a), and

(b) the requirement imposed on A is a requirement to take such steps as it would be reasonable for A to have to take if A were the person to whom B was supplied.

Principals in contract work (see section 41)

6 (1) This paragraph applies where A is a principal.

Relevant matter	***Description of disabled person***
Contract work that A may make available.	A person who is, or has notified A that the person may be, an applicant to do the work.
Contract work that A makes available.	A person who is supplied to do the work.

(2) A is not required to do anything that a disabled person's employer is required to do by virtue of paragraph 5.

Partnerships (see section 44)

7 (1) This paragraph applies where A is a firm or a proposed firm.

Relevant matter	***Description of disabled person***
Deciding to whom to offer a position as a partner.	A person who is, or has notified A that the person may be, a candidate for the position.
A position as a partner.	A candidate for the position. The partner who holds the position.

(2) Where a firm or proposed firm (A) is required by this Schedule to take a step in relation to an interested disabled person (B)—

(a) the cost of taking the step is to be treated as an expense of A;

(b) the extent to which B should (if B is or becomes a partner) bear the cost is not to exceed such amount as is reasonable (having regard in particular to B's entitlement to share in A's profits).

LLPs (see section 45)

8 (1) This paragraph applies where A is an LLP or a proposed LLP.

Relevant matter	***Description of disabled person***
Deciding to whom to offer a position as a member.	A person who is, or has notified A that the person may be, a candidate for the position.
A position as a member.	A candidate for the position.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

	The member who holds the position.

(2) Where an LLP or proposed LLP (A) is required by this Schedule to take a step in relation to an interested disabled person (B)—
  (a) the cost of taking the step is to be treated as an expense of A;
  (b) the extent to which B should (if B is or becomes a member) bear the cost is not to exceed such amount as is reasonable (having regard in particular to B's entitlement to share in A's profits).

Barristers and their clerks (see section 47)

9 This paragraph applies where A is a barrister or barrister's clerk.

Relevant matter	***Description of disabled person***
Deciding to whom to offer a pupillage or tenancy.	A person who is, or has notified A that the person may be, an applicant for the pupillage or tenancy.
A pupillage or tenancy.	An applicant for the pupillage or tenancy. The pupil or tenant.

Advocates and their clerks (see section 48)

10 This paragraph applies where A is an advocate or advocate's clerk.

Relevant matter	***Description of disabled person***
Deciding who to offer to take as a devil or to whom to offer membership of a stable.	A person who applies, or has notified A that the person may apply, to be taken as a devil or to become a member of the stable.
The relationship with a devil or membership of a stable.	An applicant to be taken as a devil or to become a member of the stable. The devil or member.

Persons making appointments to offices etc. (see sections 49 to 51)

11 This paragraph applies where A is a person who has the power to make an appointment to a personal or public office.

Relevant matter	***Description of disabled person***
Deciding to whom to offer the appointment.	A person who is, or has notified A that the person may be, seeking the appointment. A person who is being considered for the appointment.
Appointment to the office.	A person who is seeking, or being considered for, appointment to the office.

12 This paragraph applies where A is a relevant person in relation to a personal or public office.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Relevant matter	*Description of disabled person*
Appointment to the office.	A person appointed to the office.

13 This paragraph applies where A is a person who has the power to make a recommendation for, or give approval to, an appointment to a public office.

Relevant matter	*Description of disabled person*
Deciding who to recommend or approve for appointment to the office.	A person who is, or has notified A that the person may be, seeking recommendation or approval for appointment to the office. A person who is being considered for recommendation or approval for appointment to the office.
An appointment to the office.	A person who is seeking, or being considered for, appointment to the office in question.

14 In relation to the second requirement in a case within paragraph 11, 12 or 13, the reference in paragraph 2(2)(b) to premises occupied by A is to be read as a reference to premises—

(a) under the control of A, and

(b) at or from which the functions of the office concerned are performed.

Qualifications bodies (see section 53)

15 (1) This paragraph applies where A is a qualifications body.

Relevant matter	*Description of disabled person*
Deciding upon whom to confer a relevant qualification.	A person who is, or has notified A that the person may be, an applicant for the conferment of the qualification.
Conferment by the body of a relevant qualification.	An applicant for the conferment of the qualification. A person who holds the qualification.

(2) A provision, criterion or practice does not include the application of a competence standard.

Employment service-providers (see section 55)

16 This paragraph applies where—

(a) A is an employment service-provider, and

(b) the employment service which A provides is vocational training within the meaning given by section 56(6)(b).

Relevant matter	*Description of disabled person*

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Deciding to whom to offer to provide the service.	A person who is, or has notified A that the person may be, an applicant for the provision of the service.
Provision by A of the service.	A person who applies to A for the provision of the service. A person to whom A provides the service.

Trade organisations (see section 57)

17 This paragraph applies where A is a trade organisation.

Relevant matter	***Description of disabled person***
Deciding to whom to offer membership of the organisation.	A person who is, or has notified A that the person may be, an applicant for membership.
Membership of the organisation.	An applicant for membership. A member.

Local authorities (see section 58)

18 (1) This paragraph applies where A is a local authority.

Relevant matter	***Description of disabled person***
A member's carrying-out of official business.	The member.

(2) Regulations may, for the purposes of a case within this paragraph, make provision—

(a) as to circumstances in which a provision, criterion or practice is, or is not, to be taken to put a disabled person at the disadvantage referred to in the first requirement;

(b) as to circumstances in which a physical feature is, or is not, to be taken to put a disabled person at the disadvantage referred to in the second requirement;

(c) as to circumstances in which it is, or in which it is not, reasonable for a local authority to be required to take steps of a prescribed description;

(d) as to steps which it is always, or which it is never, reasonable for a local authority to take.

Occupational pensions (see section 61)

19 This paragraph applies where A is, in relation to an occupational pension scheme, a responsible person within the meaning of section 61.

Relevant matter	***Description of disabled person***
Carrying out A's functions in relation to the scheme.	A person who is or may be a member of the scheme.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 3

LIMITATIONS ON THE DUTY

Lack of knowledge of disability, etc.

20 (1) A is not subject to a duty to make reasonable adjustments if A does not know, and could not reasonably be expected to know—

(a) in the case of an applicant or potential applicant, that an interested disabled person is or may be an applicant for the work in question;

(b) **[**[F166]in any case referred to in Part 2 of this Schedule**]**, that an interested disabled person has a disability and is likely to be placed at the disadvantage referred to in the first, second or third requirement.

(2) An applicant is, in relation to the description of A specified in the first column of the table, a person of a description specified in the second column (and the reference to a potential applicant is to be construed accordingly).

Description of A	***Applicant***
An employer	An applicant for employment
A firm or proposed firm	A candidate for a position as a partner
An LLP or proposed LLP	A candidate for a position as a member
A barrister or barrister's clerk	An applicant for a pupillage or tenancy
An advocate or advocate's clerk	An applicant for being taken as an advocate's devil or for becoming a member of a stable
A relevant person in relation to a personal or public office	A person who is seeking appointment to, or recommendation or approval for appointment to, the office
A qualifications body	An applicant for the conferment of a relevant qualification
An employment service-provider	An applicant for the provision of an employment service
A trade organisation	An applicant for membership

(3) If the duty to make reasonable adjustments is imposed on A by section 55, this paragraph applies only in so far as the employment service which A provides is vocational training within the meaning given by section 56(6)(b).

Textual Amendments

F166 Words in Sch. 8 para. 20(1)(b) substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), **6(2)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 9

Section 83

WORK: EXCEPTIONS

PART 1

OCCUPATIONAL REQUIREMENTS

General

1 (1) A person (A) does not contravene a provision mentioned in sub-paragraph (2) by applying in relation to work a requirement to have a particular protected characteristic, if A shows that, having regard to the nature or context of the work—

(a) it is an occupational requirement,

(b) the application of the requirement is a proportionate means of achieving a legitimate aim, and

(c) the person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).

(2) The provisions are—

(a) section 39(1)(a) or (c) or (2)(b) or (c);

(b) section 41(1)(b);

(c) section 44(1)(a) or (c) or (2)(b) or (c);

(d) section 45(1)(a) or (c) or (2)(b) or (c);

(e) section 49(3)(a) or (c) or (6)(b) or (c);

(f) section 50(3)(a) or (c) or (6)(b) or (c);

(g) section 51(1).

(3) The references in sub-paragraph (1) to a requirement to have a protected characteristic are to be read—

(a) in the case of gender reassignment, as references to a requirement not to be a transsexual person (and section 7(3) is accordingly to be ignored);

(b) in the case of marriage and civil partnership, as references to a requirement not to be married or a civil partner (and section 8(2) is accordingly to be ignored).

(4) In the case of a requirement to be of a particular sex, sub-paragraph (1) has effect as if in paragraph (c), the words from "(or" to the end were omitted.

Religious requirements relating to sex, marriage etc., sexual orientation

2 (1) A person (A) does not contravene a provision mentioned in sub-paragraph (2) by applying in relation to employment a requirement to which sub-paragraph (4) applies if A shows that—

(a) the employment is for the purposes of an organised religion,

(b) the application of the requirement engages the compliance or non-conflict principle, and

(c) the person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).

(2) The provisions are—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) section 39(1)(a) or (c) or (2)(b) or (c);
(b) section 49(3)(a) or (c) or (6)(b) or (c);
(c) section 50(3)(a) or (c) or (6)(b) or (c);
(d) section 51(1).

(3) A person does not contravene section 53(1) or (2)(a) or (b) by applying in relation to a relevant qualification (within the meaning of that section) a requirement to which sub-paragraph (4) applies if the person shows that—
(a) the qualification is for the purposes of employment mentioned in sub-paragraph (1)(a), and
(b) the application of the requirement engages the compliance or non-conflict principle.

(4) This sub-paragraph applies to—
(a) a requirement to be of a particular sex;
(b) a requirement not to be a transsexual person;
(c) a requirement not to be married or a civil partner;
[[F167](ca) a requirement not to be married to**[**[F168], or the civil partner of,**]** a person of the same sex;**]**
[[F169](cb) a requirement not to be the civil partner of a person of the opposite sex;**]**
(d) a requirement not to be married to, or the civil partner of, a person who has a living former spouse or civil partner;
(e) a requirement relating to circumstances in which a marriage or civil partnership came to an end;
(f) a requirement related to sexual orientation.

(5) The application of a requirement engages the compliance principle if the requirement is applied so as to comply with the doctrines of the religion.

(6) The application of a requirement engages the non-conflict principle if, because of the nature or context of the employment, the requirement is applied so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.

(7) A reference to employment includes a reference to an appointment to a personal or public office.

(8) In the case of a requirement within sub-paragraph (4)(a), sub-paragraph (1) has effect as if in paragraph (c) the words from "(or" to the end were omitted.

Textual Amendments

F167 Sch. 9 para. 2(4)(ca) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 45**; S.I. 2014/93, art. 3(k)(iv)

F168 Words in Sch. 9 para. 2(4)(ca) inserted (E.W.S.) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **11(a)**

F169 Sch. 9 para. 2(4)(cb) inserted (E.W.S.) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **11(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Other requirements relating to religion or belief

3 A person (A) with an ethos based on religion or belief does not contravene a provision mentioned in paragraph 1(2) by applying in relation to work a requirement to be of a particular religion or belief if A shows that, having regard to that ethos and to the nature or context of the work—

(a) it is an occupational requirement,

(b) the application of the requirement is a proportionate means of achieving a legitimate aim, and

(c) the person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).

Armed forces

4 (1) A person does not contravene section 39(1)(a) or (c) or (2)(b) by applying in relation to service in the armed forces a relevant requirement if the person shows that the application is a proportionate means of ensuring the combat effectiveness of the armed forces.

(2) A relevant requirement is—

(a) a requirement to be a man;

(b) a requirement not to be a transsexual person.

(3) This Part of this Act, so far as relating to age or disability, does not apply to service in the armed forces; and section 55, so far as relating to disability, does not apply to work experience in the armed forces.

Employment services

5 (1) A person (A) does not contravene section 55(1) or (2) if A shows that A's treatment of another person relates only to work the offer of which could be refused to that other person in reliance on paragraph 1, 2, 3 or 4.

(2) A person (A) does not contravene section 55(1) or (2) if A shows that A's treatment of another person relates only to training for work of a description mentioned in sub-paragraph (1).

(3) A person (A) does not contravene section 55(1) or (2) if A shows that—

(a) A acted in reliance on a statement made to A by a person with the power to offer the work in question to the effect that, by virtue of sub-paragraph (1) or (2), A's action would be lawful, and

(b) it was reasonable for A to rely on the statement.

(4) A person commits an offence by knowingly or recklessly making a statement such as is mentioned in sub-paragraph (3)(a) which in a material respect is false or misleading.

(5) A person guilty of an offence under sub-paragraph (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Interpretation

6 (1) This paragraph applies for the purposes of this Part of this Schedule.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) A reference to contravening a provision of this Act is a reference to contravening that provision by virtue of section 13.

(3) A reference to work is a reference to employment, contract work, a position as a partner or as a member of an LLP, or an appointment to a personal or public office.

(4) A reference to a person includes a reference to an organisation.

(5) A reference to section 39(2)(b), 44(2)(b), 45(2)(b), 49(6)(b) or 50(6)(b) is to be read as a reference to that provision with the omission of the words "or for receiving any other benefit, facility or service".

(6) A reference to section 39(2)(c), 44(2)(c), 45(2)(c), 49(6)(c), 50(6)(c), 53(2)(a) or 55(2)(c) (dismissal, etc.) does not include a reference to that provision so far as relating to sex.

(7) The reference to paragraph (b) of section 41(1), so far as relating to sex, is to be read as if that paragraph read—

"(b) by not allowing the worker to do the work."

PART 2

EXCEPTIONS RELATING TO AGE

Preliminary

7 For the purposes of this Part of this Schedule, a reference to an age contravention is a reference to a contravention of this Part of this Act, so far as relating to age.

Retirement

8 F170 . . . . . .

Textual Amendments

F170 Sch. 9 para. 8 omitted (6.4.2011) by virtue of The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 (S.I. 2011/1069), **reg. 2(2)** (with regs. 5, 9)

Applicants at or approaching retirement age

9 F171 . . . . . .

Textual Amendments

F171 Sch. 9 para. 9 omitted (6.4.2011) by virtue of The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 (S.I. 2011/1069), **reg. 2(3)** (with regs. 5, 9)

Benefits based on length of service

10 (1) It is not an age contravention for a person (A) to put a person (B) at a disadvantage when compared with another (C), in relation to the provision of a benefit, facility

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

or service in so far as the disadvantage is because B has a shorter period of service than C.

(2) If B's period of service exceeds 5 years, A may rely on sub-paragraph (1) only if A reasonably believes that doing so fulfils a business need.

(3) A person's period of service is whichever of the following A chooses—
  (a) the period for which the person has been working for A at or above a level (assessed by reference to the demands made on the person) that A reasonably regards as appropriate for the purposes of this paragraph, or
  (b) the period for which the person has been working for A at any level.

(4) The period for which a person has been working for A must be based on the number of weeks during the whole or part of which the person has worked for A.

(5) But for that purpose A may, so far as is reasonable, discount—
  (a) periods of absence;
  (b) periods that A reasonably regards as related to periods of absence.

(6) For the purposes of sub-paragraph (3)(b), a person is to be treated as having worked for A during any period in which the person worked for a person other than A if—
  (a) that period counts as a period of employment with A as a result of section 218 of the Employment Rights Act 1996, or
  (b) if sub-paragraph (a) does not apply, that period is treated as a period of employment by an enactment pursuant to which the person's employment was transferred to A.

(7) For the purposes of this paragraph, the reference to a benefit, facility or service does not include a reference to a benefit, facility or service which may be provided only by virtue of a person's ceasing to work.

The national minimum wage: young workers

11 (1) It is not an age contravention for a person to pay a young worker (A) at a lower rate than that at which the person pays an older worker (B) if—
  (a) the hourly rate for the national minimum wage for a person of A's age is lower than that for a person of B's age, and
  (b) the rate at which A is paid is below the single hourly rate.

(2) A young worker is a person who qualifies for the national minimum wage at a lower rate than the single hourly rate; and an older worker is a person who qualifies for the national minimum wage at a higher rate than that at which the young worker qualifies for it.

(3) The single hourly rate is the rate prescribed under section 1(3) of the National Minimum Wage Act 1998.

The national minimum wage: apprentices

12 (1) It is not an age contravention for a person to pay an apprentice who does not qualify for the national minimum wage at a lower rate than the person pays an apprentice who does.

(2) An apprentice is a person who—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) is employed under a contract of apprenticeship, or

(b) as a result of provision made by virtue of section 3(2)(a) of the National Minimum Wage Act 1998 (persons not qualifying), is treated as employed under a contract of apprenticeship.

Redundancy

13 (1) It is not an age contravention for a person to give a qualifying employee an enhanced redundancy payment of an amount less than that of an enhanced redundancy payment which the person gives to another qualifying employee, if each amount is calculated on the same basis.

(2) It is not an age contravention to give enhanced redundancy payments only to those who are qualifying employees by virtue of sub-paragraph (3)(a) or (b).

(3) A person is a qualifying employee if the person—

(a) is entitled to a redundancy payment as a result of section 135 of the Employment Rights Act 1996,

(b) agrees to the termination of the employment in circumstances where the person would, if dismissed, have been so entitled,

(c) would have been so entitled but for section 155 of that Act (requirement for two years' continuous employment), or

(d) agrees to the termination of the employment in circumstances where the person would, if dismissed, have been so entitled but for that section.

(4) An enhanced redundancy payment is a payment the amount of which is, subject to sub-paragraphs (5) and (6), calculated in accordance with section 162(1) to (3) of the Employment Rights Act 1996.

(5) A person making a calculation for the purposes of sub-paragraph (4)—

(a) may treat a week's pay as not being subject to a maximum amount;

(b) may treat a week's pay as being subject to a maximum amount above that for the time being specified in section 227(1) of the Employment Rights Act 1996;

(c) may multiply the appropriate amount for each year of employment by a figure of more than one.

(6) Having made a calculation for the purposes of sub-paragraph (4) (whether or not in reliance on sub-paragraph (5)), a person may multiply the amount calculated by a figure of more than one.

(7) In sub-paragraph (5), “the appropriate amount” has the meaning given in section 162 of the Employment Rights Act 1996, and “a week's pay” is to be read with Chapter 2 of Part 14 of that Act.

(8) For the purposes of sub-paragraphs (4) to (6), the reference to “the relevant date” in subsection (1)(a) of section 162 of that Act is, in the case of a person who is a qualifying employee by virtue of sub-paragraph (3)(b) or (d), to be read as reference to the date of the termination of the employment.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F172 Insurance etc.]

Textual Amendments

F172 Sch. 9 para. 14 cross-heading substituted (6.4.2011) by virtue of The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 (S.I. 2011/1069), **reg. 2(4)** (with regs. 5, 9)

14 **[**F173 (1) It is not an age contravention for an employer to make arrangements for, or afford access to, the provision of insurance or a related financial service to or in respect of an employee for a period ending when the employee attains whichever is the greater of—

(a) the age of 65, and

(b) the state pensionable age.

(2) It is not an age contravention for an employer to make arrangements for, or afford access to, the provision of insurance or a related financial service to or in respect of only such employees as have not attained whichever is the greater of—

(a) the age of 65, and

(b) the state pensionable age.

(3) Sub-paragraphs (1) and (2) apply only where the insurance or related financial service is, or is to be, provided to the employer's employees or a class of those employees—

(a) in pursuance of an arrangement between the employer and another person, or

(b) where the employer's business includes the provision of insurance or financial services of the description in question, by the employer.

(4) The state pensionable age is the pensionable age determined in accordance with the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995.**]**

Textual Amendments

F173 Sch. 9 para. 14 substituted (6.4.2011) by The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 (S.I. 2011/1069), **reg. 2(4)** (with regs. 5, 9)

Child care

15 (1) A person does not contravene a relevant provision, so far as relating to age, only by providing, or making arrangements for or facilitating the provision of, care for children of a particular age group.

(2) The relevant provisions are—

(a) section 39(2)(b);

(b) section 41(1)(c);

(c) section 44(2)(b);

(d) section 45(2)(b);

(e) section 47(2)(b);

(f) section 48(2)(b);

(g) section 49(6)(b);

(h) section 50(6)(b);

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(i) section 57(2)(a);
(j) section 58(3)(a).

(3) Facilitating the provision of care for a child includes—
(a) paying for some or all of the cost of the provision;
(b) helping a parent of the child to find a suitable person to provide care for the child;
(c) enabling a parent of the child to spend more time providing care for the child or otherwise assisting the parent with respect to the care that the parent provides for the child.

(4) A child is a person who has not attained the age of 17.

(5) A reference to care includes a reference to supervision.

Contributions to personal pension schemes

16 (1) A Minister of the Crown may by order provide that it is not an age contravention for an employer to maintain or use, with respect to contributions to personal pension schemes, practices, actions or decisions relating to age which are of a specified description.

(2) An order authorising the use of practices, actions or decisions which are not in use before the order comes into force must not be made unless the Minister consults such persons as the Minister thinks appropriate.

(3) "Personal pension scheme" has the meaning given in section 1 of the Pension Schemes Act 1993; and "employer", in relation to a personal pension scheme, has the meaning given in section 318(1) of the Pensions Act 2004.

Commencement Information

I129 Sch. 9 para. 16 wholly in force; para. 16 not in force at Royal Assent see s. 216; para. 16 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 9 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(5)(i)** (with art. 15)

PART 3

OTHER EXCEPTIONS

Non-contractual payments to women on maternity leave

17 (1) A person does not contravene section 39(1)(b) or (2), so far as relating to pregnancy and maternity, by depriving a woman who is on maternity leave of any benefit from the terms of her employment relating to pay.

(2) The reference in sub-paragraph (1) to benefit from the terms of a woman's employment relating to pay does not include a reference to—
(a) maternity-related pay (including maternity-related pay that is increase-related),
(b) pay (including increase-related pay) in respect of times when she is not on maternity leave, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) pay by way of bonus in respect of times when she is on compulsory maternity leave.

(3) For the purposes of sub-paragraph (2), pay is increase-related in so far as it is to be calculated by reference to increases in pay that the woman would have received had she not been on maternity leave.

(4) A reference to terms of her employment is a reference to terms of her employment that are not in her contract of employment, her contract of apprenticeship or her contract to do work personally.

(5) "Pay" means benefits—

(a) that consist of the payment of money to an employee by way of wages or salary, and

(b) that are not benefits whose provision is regulated by the contract referred to in sub-paragraph (4).

(6) "Maternity-related pay" means pay to which a woman is entitled—

(a) as a result of being pregnant, or

(b) in respect of times when she is on maternity leave.

Benefits dependent on marital status, etc.

18 (1) A person does not contravene this Part of this Act, so far as relating to sexual orientation, by doing anything which prevents or restricts a person who is not **[**[F174]within sub-paragraph (1A)**]** from having access to a benefit, facility or service—

(a) the right to which accrued before 5 December 2005 (the day on which section 1 of the Civil Partnership Act 2004 came into force), or

(b) which is payable in respect of periods of service before that date.

[[F175](1A) A person is within this sub-paragraph if the person is—

(a) a man who is married to a woman, or

(b) a woman who is married to a man, or

(c) married to a person of the same sex in a relevant gender change case.

(1B) The reference in sub-paragraph (1A)(c) to a relevant gender change case is a reference to a case where—

(a) the married couple were of the opposite sex at the time of their marriage, and

(b) a full gender recognition certificate has been issued to one of the couple under the Gender Recognition Act 2004.**]**

(2) A person does not contravene this Part of this Act, so far as relating to sexual orientation, by providing married persons and civil partners (to the exclusion of all other persons) with access to a benefit, facility or service.

Textual Amendments

F174 Words in Sch. 9 para. 18(1) substituted (13.3.2014 for specified purposes) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 17(2)**; S.I. 2014/93, art. 3(j)(iii)

F175 Sch. 9 para. 18(1A)(1B) inserted (13.3.2014 for specified purposes) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 4 para. 17(3)**; S.I. 2014/93, art. 3(j)(iii)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Provision of services etc. to the public

19 (1) A does not contravene a provision mentioned in sub-paragraph (2) in relation to the provision of a benefit, facility or service to B if A is concerned with the provision (for payment or not) of a benefit, facility or service of the same description to the public.

(2) The provisions are—
- (a) section 39(2) and (4);
- (b) section 41(1) and (3);
- (c) sections 44(2) and (6) and 45(2) and (6);
- (d) sections 49(6) and (8) and 50(6), (7), (9) and (10).

(3) Sub-paragraph (1) does not apply if—
- (a) the provision by A to the public differs in a material respect from the provision by A to comparable persons,
- (b) the provision to B is regulated by B's terms, or
- (c) the benefit, facility or service relates to training.

(4) "Comparable persons" means—
- (a) in relation to section 39(2) or (4), the other employees;
- (b) in relation to section 41(1) or (3), the other contract workers supplied to the principal;
- (c) in relation to section 44(2) or (6), the other partners of the firm;
- (d) in relation to section 45(2) or (6), the other members of the LLP;
- (e) in relation to section 49(6) or (8) or 50(6), (7), (9) or (10), persons holding offices or posts not materially different from that held by B.

(5) "B's terms" means—
- (a) the terms of B's employment,
- (b) the terms on which the principal allows B to do the contract work,
- (c) the terms on which B has the position as a partner or member, or
- (d) the terms of B's appointment to the office.

(6) A reference to the public includes a reference to a section of the public which includes B.

Insurance contracts, etc.

20 (1) It is not a contravention of this Part of this Act, so far as relating to relevant discrimination, to do anything in relation to an annuity, life insurance policy, accident insurance policy or similar matter involving the assessment of risk if—
- (a) that thing is done by reference to actuarial or other data from a source on which it is reasonable to rely, and
- (b) it is reasonable to do it.

(2) "Relevant discrimination" is—
- (a) gender reassignment discrimination;
- (b) marriage and civil partnership discrimination;
- (c) pregnancy and maternity discrimination;
- (d) sex discrimination.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 10

Section 88

ACCESSIBILITY FOR DISABLED PUPILS

Accessibility strategies

1 (1) A local authority in England and Wales must, in relation to schools for which it is the responsible body, prepare—
- (a) an accessibility strategy;
- (b) further such strategies at such times as may be prescribed.

(2) An accessibility strategy is a strategy for, over a prescribed period—
- (a) increasing the extent to which disabled pupils can participate in the schools' curriculums;
- (b) improving the physical environment of the schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the schools;
- (c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

(3) The delivery in sub-paragraph (2)(c) must be—
- (a) within a reasonable time;
- (b) in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.

(4) An accessibility strategy must be in writing.

(5) A local authority must keep its accessibility strategy under review during the period to which it relates and, if necessary, revise it.

(6) A local authority must implement its accessibility strategy.

2 (1) In preparing its accessibility strategy, a local authority must have regard to—
- (a) the need to allocate adequate resources for implementing the strategy;
- (b) guidance as to the matters mentioned in sub-paragraph (3).

(2) The authority must also have regard to guidance as to compliance with paragraph 1(5).

(3) The matters are—
- (a) the content of an accessibility strategy;
- (b) the form in which it is to be produced;
- (c) persons to be consulted in its preparation.

(4) Guidance may be issued—
- (a) for England, by a Minister of the Crown;
- (b) for Wales, by the Welsh Ministers.

(5) A local authority must, if asked, make a copy of its accessibility strategy available for inspection at such reasonable times as it decides.

(6) A local authority in England must, if asked by a Minister of the Crown, give the Minister a copy of its accessibility strategy.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) A local authority in Wales must, if asked by the Welsh Ministers, give them a copy of its accessibility strategy.

Accessibility plans

3 (1) The responsible body of a school in England and Wales must prepare—
(a) an accessibility plan;
(b) further such plans at such times as may be prescribed.

(2) An accessibility plan is a plan for, over a prescribed period—
(a) increasing the extent to which disabled pupils can participate in the school's curriculum,
(b) improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and
(c) improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

(3) The delivery in sub-paragraph (2)(c) must be—
(a) within a reasonable time;
(b) in ways which are determined after taking account of the pupils' disabilities and any preferences expressed by them or their parents.

(4) An accessibility plan must be in writing.

(5) The responsible body must keep its accessibility plan under review during the period to which it relates and, if necessary, revise it.

(6) The responsible body must implement its accessibility plan.

(7) A relevant inspection may extend to the performance by the responsible body of its functions in relation to the preparation, publication, review, revision and implementation of its accessibility plan.

(8) A relevant inspection is an inspection under—
(a) Part 1 of the Education Act 2005, or
(b) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent education provision in England).

4 (1) In preparing an accessibility plan, the responsible body must have regard to the need to allocate adequate resources for implementing the plan.

(2) The proprietor of an independent educational institution (other than an Academy) must, if asked, make a copy of the school's accessibility plan available for inspection at such reasonable times as the proprietor decides.

(3) The proprietor of an independent educational institution in England (other than an Academy) must, if asked by a Minister of the Crown, give the Minister a copy of the school's accessibility plan.

(4) The proprietor of an independent school in Wales (other than an Academy) must, if asked by the Welsh Ministers, give them a copy of the school's accessibility plan.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Power of direction

5 (1) This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body—

(a) has acted or is proposing to act unreasonably in the discharge of a duty under this Schedule, or

(b) has failed to discharge such a duty.

(2) This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body of a school specified in sub-paragraph (3)—

(a) has acted or is proposing to act unreasonably in the discharge of a duty the body has in relation to the provision to the authority of copies of the body's accessibility plan or the inspection of that plan, or

(b) has failed to discharge the duty.

(3) The schools are—

(a) schools approved under section 342 of the Education Act 1996 (non-maintained special schools);

[[F176](b) Academy schools;

(c) alternative provision Academies.**]**

(4) This sub-paragraph applies if a Tribunal has made an order under paragraph 5 of Schedule 17 and the appropriate authority is satisfied (whether or not on a complaint) that the responsible body concerned—

(a) has acted or is proposing to act unreasonably in complying with the order, or

(b) has failed to comply with the order.

(5) If sub-paragraph (1), (2) or (4) applies, the appropriate authority may give a responsible body such directions as the authority thinks expedient as to—

(a) the discharge by the body of the duty, or

(b) compliance by the body with the order.

(6) A direction may be given in relation to sub-paragraph (1) or (2) even if the performance of the duty is contingent on the opinion of the responsible body.

(7) A direction may not, unless sub-paragraph (8) applies, be given to the responsible body of a school in England in respect of a matter—

(a) that has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or

(b) that the appropriate authority thinks could have been so complained about.

(8) This sub-paragraph applies if—

(a) the Local Commissioner has made a recommendation to the responsible body under section 211(4) of the Apprenticeships, Skills, Children and Learning Act 2009 (statement following investigation) in respect of the matter, and

(b) the responsible body has not complied with the recommendation.

(9) A direction—

(a) may be varied or revoked by the appropriate authority;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) may be enforced, on the application of the appropriate authority, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.

(10) The appropriate authority is—

(a) in relation to the responsible body of a school in England, the Secretary of State;

(b) in relation to the responsible body of a school in Wales, the Welsh Ministers.

Textual Amendments

F176 Sch. 10 para. 5(3)(b)(c) substituted (1.4.2012) for para. 5(3)(b) by Education Act 2011 (c. 21), s. 54(1), **Sch. 13 para. 20(3)**; S.I. 2012/924, **art. 2**

Supplementary

6 (1) This paragraph applies for the purposes of this Schedule.

(2) Regulations may prescribe services which are, or are not, to be regarded as being—

(a) education;

(b) a benefit, facility or service.

(3) The power to make regulations is exercisable by—

(a) in relation to England, a Minister of the Crown;

(b) in relation to Wales, the Welsh Ministers.

(4) "Disabled pupil" includes a disabled person who may be admitted to the school as a pupil.

(5) "Responsible body" means—

(a) in relation to a maintained school or a maintained nursery school, the local authority or governing body;

(b) in relation to a pupil referral unit, the local authority;

(c) in relation to an independent educational institution **[**[F177]or an alternative provision Academy that is not an independent educational institution**]**, the proprietor;

(d) in relation to a special school not maintained by a local authority, the proprietor.

(6) "Governing body", in relation to a maintained school, means the body corporate (constituted in accordance with regulations under section 19 of the Education Act 2002) which the school has as a result of that section.

(7) "Maintained school" has the meaning given in section 20 of the School Standards and Framework Act 1998; and "maintained nursery school" has the meaning given in section 22 of that Act.

Textual Amendments

F177 Words in Sch. 10 para. 6(5)(c) inserted (E.W.) (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), arts. 1, 2, **Sch. para. 27**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 11

Section 89

SCHOOLS: EXCEPTIONS

PART 1

SEX DISCRIMINATION

Admission to single-sex schools

1 (1) Section 85(1), so far as relating to sex, does not apply in relation to a single-sex school.

(2) A single-sex school is a school which—
(a) admits pupils of one sex only, or
(b) on the basis of the assumption in sub-paragraph (3), would be taken to admit pupils of one sex only.

(3) That assumption is that pupils of the opposite sex are to be disregarded if—
(a) their admission to the school is exceptional, or
(b) their numbers are comparatively small and their admission is confined to particular courses or classes.

(4) In the case of a school which is a single-sex school by virtue of sub-paragraph (3)(b), section 85(2)(a) to (d), so far as relating to sex, does not prohibit confining pupils of the same sex to particular courses or classes.

Single-sex boarding at schools

2 (1) Section 85(1), so far as relating to sex, does not apply in relation to admission as a boarder to a school to which this paragraph applies.

(2) Section 85(2)(a) to (d), so far as relating to sex, does not apply in relation to boarding facilities at a school to which this paragraph applies.

(3) This paragraph applies to a school (other than a single-sex school) which has some pupils as boarders and others as non-boarders and which—
(a) admits as boarders pupils of one sex only, or
(b) on the basis of the assumption in sub-paragraph (4), would be taken to admit as boarders pupils of one sex only.

(4) That assumption is that pupils of the opposite sex admitted as boarders are to be disregarded if their numbers are small compared to the numbers of other pupils admitted as boarders.

Single-sex schools turning co-educational

3 (1) If the responsible body of a single-sex school decides to alter its admissions arrangements so that the school will cease to be a single-sex school, the body may apply for a transitional exemption order in relation to the school.

(2) If the responsible body of a school to which paragraph 2 applies decides to alter its admissions arrangements so that the school will cease to be one to which that

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

paragraph applies, the body may apply for a transitional exemption order in relation to the school.

(3) A transitional exemption order in relation to a school is an order which, during the period specified in the order as the transitional period, authorises—
  (a) sex discrimination by the responsible body of the school in the arrangements it makes for deciding who is offered admission as a pupil;
  (b) the responsible body, in the circumstances specified in the order, not to admit a person as a pupil because of the person's sex.

(4) Paragraph 4 applies in relation to the making of transitional exemption orders.

(5) The responsible body of a school does not contravene this Act, so far as relating to sex discrimination, if—
  (a) in accordance with a transitional exemption order, or
  (b) pending the determination of an application for a transitional exemption order in relation to the school,

it does not admit a person as a pupil because of the person's sex.

4 (1) In the case of a maintained school within the meaning given by section 32 of the Education and Inspections Act 2006, a transitional exemption order may be made in accordance with such provision as is made in regulations under section 21 of that Act (orders made by local authority or adjudicator in relation to schools in England).

(2) In the case of a school in Wales maintained by a local authority, a transitional exemption order may be made in accordance with **[**[F178]section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013**]** (orders made by Welsh Ministers).

(3) In the case of a school in Scotland managed by an education authority or in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980—
  (a) the responsible body may submit to the Scottish Ministers an application for the making of a transitional exemption order, and
  (b) the Scottish Ministers may make the order.

(4) [F179]. . . . . .

(5) **[**[F180]Where proposals are made to the Welsh Ministers under section 113A of the Learning and Skills Act 2000 for an alteration in the admissions arrangements of a single-sex school or a school to which paragraph 2 applies—
  (a) the making of the proposals is to be treated as an application to the Welsh Ministers for the making of a transitional exemption order, and
  (b) the Welsh Ministers may make the order.**]**

(6) In the case of a school in England or Wales not coming within sub-paragraph (1), (2), (4) or (5) or an independent school in Scotland—
  (a) the responsible body may submit to the Commission an application for the making of a transitional exemption order, and
  (b) the Commission may make the order.

(7) An application under sub-paragraph (6) must specify—
  (a) the period proposed by the responsible body as the transitional period to be specified in the order,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the stages within that period by which the body proposes to move to the position where section 85(1)(a) and (c), so far as relating to sex, is complied with, and

(c) any other matters relevant to the terms and operation of the order applied for.

(8) The Commission must not make an order on an application under sub-paragraph (6) unless satisfied that the terms of the application are reasonable, having regard to—

(a) the nature of the school's premises,

(b) the accommodation, equipment and facilities available, and

(c) the responsible body's financial resources.

Textual Amendments

F178 Words in Sch. 11 para. 4(2) substituted (E.W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 28(2)(a)**; S.I. 2013/1800, art. 3(j)

F179 Sch. 11 para. 4(4) omitted (1.10.2010) by virtue of The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), **art. 10**

F180 Sch. 11 para. 4(5) omitted (E.W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 28(2)(b)**; S.I. 2013/1800, art. 3(j)

PART 2

RELIGIOUS OR BELIEF-RELATED DISCRIMINATION

School with religious character etc.

5 Section 85(1) and (2)(a) to (d), so far as relating to religion or belief, does not apply in relation to—

(a) a school designated under section 69(3) of the School Standards and Framework Act 1998 (foundation or voluntary school with religious character);

(b) a school **[**[F181](other than an alternative provision Academy)**]** listed in the register of independent schools for England or for Wales, if the school's entry in the register records that the school has a religious ethos;

(c) a school transferred to an education authority under section 16 of the Education (Scotland) Act 1980 (transfer of certain schools to education authorities) which is conducted in the interest of a church or denominational body;

(d) a school provided by an education authority under section 17(2) of that Act (denominational schools);

(e) a grant-aided school (within the meaning of that Act) which is conducted in the interest of a church or denominational body;

(f) a school registered in the register of independent schools for Scotland if the school admits only pupils who belong, or whose parents belong, to one or more particular denominations;

(g) a school registered in that register if the school is conducted in the interest of a church or denominational body.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F181 Words in Sch. 11 para. 5(b) inserted (E.W.) (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), arts. 1, 2, **Sch. para. 28**

Curriculum, worship, etc.

6 Section 85(2)(a) to (d), so far as relating to religion or belief, does not apply in relation to anything done in connection with acts of worship or other religious observance organised by or on behalf of a school (whether or not forming part of the curriculum).

Power to amend

7 (1) A Minister of the Crown may by order amend this Part of this Schedule—
(a) so as to add, vary or omit an exception to section 85;
(b) so as to make provision about the construction or application of section 19(2)(d) in relation to section 85.

(2) The power under sub-paragraph (1) is exercisable only in relation to religious or belief-related discrimination.

(3) Before making an order under this paragraph the Minister must consult—
(a) the Welsh Ministers,
(b) the Scottish Ministers, and
(c) such other persons as the Minister thinks appropriate.

PART 3

DISABILITY DISCRIMINATION

Permitted form of selection

8 (1) A person does not contravene section 85(1), so far as relating to disability, only by applying a permitted form of selection.

(2) In relation to England and Wales, a permitted form of selection is—
(a) in the case of a maintained school which is not designated as a grammar school under section 104 of the School Standards and Framework Act 1998, a form of selection mentioned in section 99(2) or (4) of that Act;
(b) in the case of a maintained school which is so designated, its selective admission arrangements (within the meaning of section 104 of that Act);
(c) in the case of an independent educational institution, arrangements which provide for some or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.

(3) In relation to Scotland, a permitted form of selection is—
(a) in the case of a school managed by an education authority, arrangements approved by the Scottish Ministers for the selection of pupils for admission;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) in the case of an independent school, arrangements which provide for some or all of its pupils to be selected by reference to general or special ability or aptitude, with a view to admitting only pupils of high ability or aptitude.

(4) "Maintained school" has the meaning given in section 22 of the School Standards and Framework Act 1998.

SCHEDULE 12

Section 94

FURTHER AND HIGHER EDUCATION EXCEPTIONS

PART 1

SINGLE-SEX INSTITUTIONS, ETC.

Admission to single-sex institutions

1 (1) Section 91(1), so far as relating to sex, does not apply in relation to a single-sex institution.

(2) A single-sex institution is an institution to which section 91 applies, which—
(a) admits students of one sex only, or
(b) on the basis of the assumption in sub-paragraph (3), would be taken to admit students of one sex only.

(3) That assumption is that students of the opposite sex are to be disregarded if—
(a) their admission to the institution is exceptional, or
(b) their numbers are comparatively small and their admission is confined to particular courses or classes.

(4) In the case of an institution which is a single-sex institution by virtue of sub-paragraph (3)(b), section 91(2)(a) to (d), so far as relating to sex, does not prohibit confining students of the same sex to particular courses or classes.

Single-sex institutions turning co-educational

2 (1) If the responsible body of a single-sex institution decides to alter its admissions arrangements so that the institution will cease to be a single-sex institution, the body may apply for a transitional exemption order in relation to the institution.

(2) A transitional exemption order relating to an institution is an order which, during the period specified in the order as the transitional period, authorises—
(a) sex discrimination by the responsible body of the institution in the arrangements it makes for deciding who is offered admission as a student;
(b) the responsible body, in the circumstances specified in the order, not to admit a person as a student because of the person's sex.

(3) Paragraph 3 applies in relation to the making of a transitional exemption order.

(4) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if —

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in accordance with a transitional exemption order, or
(b) pending the determination of an application for a transitional exemption order in relation to the institution,

it does not admit a person as a student because of the person's sex.

(5) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if —
(a) in accordance with a transitional exemption order, or
(b) pending the determination of an application for a transitional exemption order in relation to the institution,

it discriminates in the arrangements it makes for deciding who is offered admission as a student.

3 (1) In the case of a single-sex institution—
(a) its responsible body may submit to the Commission an application for the making of a transitional exemption order, and
(b) the Commission may make the order.

(2) An application under sub-paragraph (1) must specify—
(a) the period proposed by the responsible body as the transitional period to be specified in the order,
(b) the stages, within that period, by which the body proposes to move to the position where section 91(1)(a) and (c), so far as relating to sex, is complied with, and
(c) any other matters relevant to the terms and operation of the order applied for.

(3) The Commission must not make an order on an application under sub-paragraph (1) unless satisfied that the terms of the application are reasonable, having regard to—
(a) the nature of the institution's premises,
(b) the accommodation, equipment and facilities available, and
(c) the responsible body's financial resources.

PART 2

OTHER EXCEPTIONS

Occupational requirements

4 A person (P) does not contravene section 91(1) or (2) if P shows that P's treatment of another person relates only to training that would help fit that other person for work the offer of which the other person could be refused in reliance on Part 1 of Schedule 9.

Institutions with a religious ethos

5 (1) The responsible body of an institution which is designated for the purposes of this paragraph does not contravene section 91(1), so far as relating to religion or belief, if, in the admission of students to a course at the institution—
(a) it gives preference to persons of a particular religion or belief,
(b) it does so to preserve the institution's religious ethos, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) the course is not a course of vocational training.

(2) A Minister of the Crown may by order designate an institution if satisfied that the institution has a religious ethos.

Commencement Information

I130 Sch. 12 para. 5 wholly in force; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 12 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(6)(h)** (with art. 15)

Benefits dependent on marital status, etc.

6 A person does not contravene section 91, so far as relating to sexual orientation, by providing married persons and civil partners (to the exclusion of all other persons) with access to a benefit, facility or service.

Child care

7 (1) A person does not contravene section 91(2)(b) or (d), so far as relating to age, only by providing, or making arrangements for or facilitating the provision of, care for children of a particular age group.

(2) Facilitating the provision of care for a child includes—

(a) paying for some or all of the cost of the provision;

(b) helping a parent of the child to find a suitable person to provide care for the child;

(c) enabling a parent of the child to spend more time providing care for the child or otherwise assisting the parent with respect to the care that the parent provides for the child.

(3) A child is a person who has not attained the age of 17.

(4) A reference to care includes a reference to supervision.

SCHEDULE 13

Section 98

EDUCATION: REASONABLE ADJUSTMENTS

Preliminary

1 This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part.

The duty for schools

2 (1) This paragraph applies where A is the responsible body of a school to which section 85 applies.

(2) A must comply with the first and third requirements.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) For the purposes of this paragraph—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
- (b) the reference in section 20(3) or (5) to a disabled person is—
  - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
  - (ii) in relation to a relevant matter within sub-paragraph (4)(b), a reference to disabled pupils generally.

(4) In relation to each requirement, the relevant matters are—
- (a) deciding who is offered admission as a pupil;
- (b) provision of education or access to a benefit, facility or service.

Commencement Information

I131 Sch. 13 para. 2 wholly in force at 1.9.2012; para. 2 not in force at Royal Assent see s. 216; para. 2 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(6)(i)(i)**; para. 2 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(b)**

The duty for further or higher education institutions

3 (1) This paragraph applies where A is the responsible body of an institution to which section 91 applies.

(2) A must comply with the first, second and third requirements.

(3) For the purposes of this paragraph—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
- (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;
- (c) the reference in section 20(3), (4) or (5) to a disabled person is—
  - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
  - (ii) in relation to a relevant matter within sub-paragraph (4)(b) or (c), a reference to disabled students generally;
  - (iii) in relation to a relevant matter within sub-paragraph (4)(d) or (e) below, a reference to an interested disabled person.

(4) In relation to each requirement, the relevant matters are—
- (a) deciding who is offered admission as a student;
- (b) provision of education;
- (c) access to a benefit, facility or service;
- (d) deciding on whom a qualification is conferred;
- (e) a qualification that A confers.

4 (1) An interested disabled person is a disabled person who, in relation to a relevant matter specified in the first column of the table, is of a description specified in the second column.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Case	***Description of disabled person***
Deciding upon whom to confer a qualification.	A person who is, or has notified A that the person may be, an applicant for the conferment of the qualification.
A qualification that A confers.	An applicant for the conferment by A of the qualification. A person on whom A confers the qualification.

(2) A provision, criterion or practice does not include the application of a competence standard.

(3) A competence standard is an academic, medical or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

The duty relating to certain other further or higher education courses

5 (1) This paragraph applies where A is the responsible body in relation to a course to which section 92 applies.

(2) A must comply with the first, second and third requirements; but if A is the governing body of a maintained school (within the meaning given by that section), A is not required to comply with the second requirement.

(3) For the purposes of this paragraph—

(a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;

(b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;

(c) the reference in section 20(3), (4) or (5) to a disabled person is—

(i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;

(ii) in relation to a relevant matter within sub-paragraph (4)(b), a reference to disabled persons generally who are enrolled on the course.

(4) In relation to each requirement, the relevant matters are—

(a) arrangements for enrolling persons on a course of further or higher education secured by A;

(b) services provided by A for persons enrolled on the course.

Commencement Information

I132 Sch. 13 para. 5 wholly in force at 1.9.2012; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(6)(i)(ii)**; para. 5 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, **art. 2(b)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The duty relating to recreational or training facilities

6 (1) This paragraph applies where A is the responsible body in relation to facilities to which section 93 applies.

(2) A must comply with the first, second and third requirements.

(3) For the purposes of this paragraph—

(a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;

(b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;

(c) the reference in section 20(3), (4) or (5) to a disabled person is a reference to disabled persons generally.

(4) In relation to each requirement, the relevant matter is A's arrangements for providing the recreational or training facilities.

Code of practice

7 In deciding whether it is reasonable for A to have to take a step for the purpose of complying with the first, second or third requirement, A must have regard to relevant provisions of a code of practice issued under section 14 of the Equality Act 2006.

Confidentiality requests

8 (1) This paragraph applies if a person has made a confidentiality request of which A is aware.

(2) In deciding whether it is reasonable for A to have to take a step in relation to that person so as to comply with the first, second or third requirement, A must have regard to the extent to which taking the step is consistent with the request.

(3) In a case within paragraph 2, a "confidentiality request" is a request—

(a) that the nature or existence of a disabled person's disability be treated as confidential, and

(b) which satisfies either of the following conditions.

(4) The first condition is that the request is made by the person's parent.

(5) The second condition is that—

(a) it is made by the person, and

(b) A reasonably believes that the person has sufficient understanding of the nature and effect of the request.

(6) In a case within paragraph 3, a "confidentiality request" is a request by a disabled person that the nature or existence of the person's disability be treated as confidential.

The duty for general qualifications bodies

9 (1) This paragraph applies where A is a qualifications body for the purposes of section 96.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Paragraphs 3 and 4(1), so far as relating to qualifications, apply to a qualifications body as they apply to a responsible body.

(3) This paragraph is subject to section 96(7).

SCHEDULE 14

Section 99

EDUCATIONAL CHARITIES AND ENDOWMENTS

Educational charities

1 (1) This paragraph applies to a trust deed or other instrument—

(a) which concerns property applicable for or in connection with the provision of education in an establishment in England and Wales to which section 85 or 91 applies, and

(b) which in any way restricts the benefits available under the instrument to persons of one sex.

(2) Sub-paragraph (3) applies if, on the application of the trustees or the responsible body (within the meaning of that section), a Minister of the Crown is satisfied that the removal or modification of the restriction would be conducive to the advancement of education without sex discrimination.

(3) The Minister may by order make such modifications of the instrument as appear to the Minister expedient for removing or modifying the restriction.

(4) If the trust was created by a gift or bequest, an order must not be made until the end of the period of 25 years after the date when the gift or bequest took effect.

(5) Sub-paragraph (4) does not apply if the donor or the personal representatives of the donor or testator consent in writing to making the application for the order.

(6) The Minister must require the applicant to publish a notice—

(a) containing particulars of the proposed order;

(b) stating that representations may be made to the Minister within a period specified in the notice.

(7) The period must be not less than one month beginning with the day after the date of the notice.

(8) The applicant must publish the notice in the manner specified by the Minister.

(9) The cost of publication may be paid out of the property of the trust.

(10) Before making the order, the Minister must take account of representations made in accordance with the notice.

Educational endowments

2 (1) This paragraph applies to an educational endowment—

(a) to which section 104 of the Education (Scotland) Act 1980 applies, and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) which in any way restricts the benefit of the endowment to persons of one sex.

(2) Sub-paragraph (3) applies if, on the application of the governing body of an educational endowment, the Scottish Ministers are satisfied that the removal or modification of the provision which restricts the benefit of the endowment to persons of one sex would be conducive to the advancement of education without sex discrimination.

(3) The Scottish Ministers may by order make such provision as they think expedient for removing or modifying the restriction.

(4) If the Scottish Ministers propose to make such an order they must publish a notice in such manner as they think sufficient for giving information to persons they think may be interested in the endowment—

(a) containing particulars of the proposed order;

(b) stating that representations may be made with respect to the proposal within such period as is specified in the notice.

(5) The period must be not less than one month beginning with the day after the date of publication of the notice.

(6) The cost of publication is to be paid out of the funds of the endowment to which the notice relates.

(7) Before making an order, the Scottish Ministers—

(a) must consider representations made in accordance with the notice;

(b) may cause a local inquiry to be held into the representations under section 67 of the Education (Scotland) Act 1980.

(8) A reference to an educational endowment includes a reference to—

(a) a scheme made or approved for the endowment under Part 6 of the Education (Scotland) Act 1980;

(b) in the case of an endowment the governing body of which is entered in the Scottish Charity Register, a scheme approved for the endowment under section 39 or 40 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);

(c) an endowment which is, by virtue of section 108(1) of the Education (Scotland) Act 1980, treated as if it were an educational endowment (or which would, but for the disapplication of that section by section 122(4) of that Act, be so treated);

(d) a university endowment, the Carnegie Trust, a theological endowment and a new endowment.

(9) Expressions used in this paragraph and in Part 6 of the Education (Scotland) Act 1980 have the same meaning in this paragraph as in that Part.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 15

Section 107

ASSOCIATIONS: REASONABLE ADJUSTMENTS

Preliminary

1 This Schedule applies where a duty to make reasonable adjustments is imposed on an association (A) by this Part.

The duty

2 (1) A must comply with the first, second and third requirements.

(2) For the purposes of this paragraph, the reference in section 20(3), (4) or (5) to a disabled person is a reference to disabled persons who—

(a) are, or are seeking to become or might wish to become, members,

(b) are associates, or

(c) are, or are likely to become, guests.

(3) Section 20 has effect as if, in subsection (4), for "to avoid the disadvantage" there were substituted—

"(a) to avoid the disadvantage, or

(b) to adopt a reasonable alternative method of affording access to the benefit, facility or service or of admitting persons to membership or inviting persons as guests."

(4) In relation to the first and third requirements, the relevant matters are—

(a) access to a benefit, facility or service;

(b) members' or associates' retaining their rights as such or avoiding having them varied;

(c) being admitted to membership or invited as a guest.

(5) In relation to the second requirement, the relevant matters are—

(a) access to a benefit, facility or service;

(b) being admitted to membership or invited as a guest.

(6) In relation to the second requirement, a physical feature includes a physical feature brought by or on behalf of A, in the course of or for the purpose of providing a benefit, facility or service, on to premises other than those that A occupies (as well as including a physical feature in or on premises that A occupies).

(7) Nothing in this paragraph requires A to take a step which would fundamentally alter—

(a) the nature of the benefit, facility or service concerned, or

(b) the nature of the association.

(8) Nor does anything in this paragraph require a member or associate in whose house meetings of the association take place to make adjustments to a physical feature of the house.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 16

Section 107

ASSOCIATIONS: EXCEPTIONS

Single characteristic associations

1 (1) An association does not contravene section 101(1) by restricting membership to persons who share a protected characteristic.

(2) An association that restricts membership to persons who share a protected characteristic does not breach section 101(3) by restricting the access by associates to a benefit, facility or service to such persons as share the characteristic.

(3) An association that restricts membership to persons who share a protected characteristic does not breach section 102(1) by inviting as guests, or by permitting to be invited as guests, only such persons as share the characteristic.

(4) Sub-paragraphs (1) to (3), so far as relating to race, do not apply in relation to colour.

(5) This paragraph does not apply to an association that is a registered political party.

Commencement Information

I133 Sch. 16 para. 1 wholly in force at 1.10.2012; para. 1 not in force at Royal Assent see s. 216; para. 1 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(d)** (with art. 15); para. 1 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(e)**

[F182 Age

Textual Amendments

F182 Sch. 16 para. 1A and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), **art. 8**

1A (1) An association does not contravene section 101(1) or (2), so far as relating to age discrimination, by giving a concession on admission to membership for—

(a) persons of a particular age group, or

(b) persons who have been members of the association for more than a number of years specified by the association for this purpose.

(2) An association does not contravene section 101(2) or (3), so far as relating to age discrimination, by giving a concession on access to a benefit, facility or service for—

(a) members of a particular age group, or

(b) persons who have been members of the association for more than a number of years specified by the association for this purpose.

(3) An association does not contravene section 102(1), so far as relating to age discrimination, by giving a concession on invitations of persons of a particular age group as guests.

(4) An association does not contravene section 102(2), so far as relating to age discrimination, by giving a concession on access to a benefit, facility or service for guests of a particular age group.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) For the purposes of this paragraph, affording only persons of a particular age group access to a benefit, facility or service for a limited time is to be regarded as a concession.

(6) The reference to a concession in respect of something done by an association is a reference to a benefit, right or privilege having the effect that the manner in which, or the terms on which, it does it are more favourable than the manner in which, or the terms on which, it usually does the thing.**]**

Health and safety

2 (1) An association (A) does not discriminate against a pregnant woman in contravention of section 101(1)(b) because she is pregnant if—

(a) the terms on which A is prepared to admit her to membership include a term intended to remove or reduce a risk to her health or safety,

(b) A reasonably believes that admitting her to membership on terms which do not include that term would create a risk to her health or safety,

(c) the terms on which A is prepared to admit persons with other physical conditions to membership include a term intended to remove or reduce a risk to their health or safety, and

(d) A reasonably believes that admitting them to membership on terms which do not include that term would create a risk to their health or safety.

(2) Sub-paragraph (1) applies to section 102(1)(b) as it applies to section 101(1)(b); and for that purpose a reference to admitting a person to membership is to be read as a reference to inviting the person as a guest or permitting the person to be invited as a guest.

(3) An association (A) does not discriminate against a pregnant woman in contravention of section 101(2)(a) or (3)(a) or 102(2)(a) because she is pregnant if—

(a) the way in which A affords her access to a benefit, facility or service is intended to remove or reduce a risk to her health or safety,

(b) A reasonably believes that affording her access to the benefit, facility or service otherwise than in that way would create a risk to her health or safety,

(c) A affords persons with other physical conditions access to the benefit, facility or service in a way that is intended to remove or reduce a risk to their health or safety, and

(d) A reasonably believes that affording them access to the benefit, facility or service otherwise than in that way would create a risk to their health or safety.

(4) An association (A) which does not afford a pregnant woman access to a benefit, facility or service does not discriminate against her in contravention of section 101(2)(a) or (3)(a) or 102(2)(a) because she is pregnant if—

(a) A reasonably believes that affording her access to the benefit, facility or service would, because she is pregnant, create a risk to her health or safety,

(b) A does not afford persons with other physical conditions access to the benefit, facility or service, and

(c) the reason for not doing so is that A reasonably believes that affording them access to the benefit, facility or service would create a risk to their health or safety.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) An association (A) does not discriminate against a pregnant woman under section 101(2)(c) or (3)(c) because she is pregnant if—

(a) the variation of A's terms of membership, or rights as an associate, is intended to remove or reduce a risk to her health or safety,

(b) A reasonably believes that not making the variation to A's terms or rights would create a risk to her health or safety,

(c) A varies the terms of membership, or rights as an associate, of persons with other physical conditions,

(d) the variation of their terms or rights is intended to remove or reduce a risk to their health or safety, and

(e) A reasonably believes that not making the variation to their terms or rights would create a risk to their health or safety.

Commencement Information

I134 Sch. 16 para. 2 wholly in force at 1.10.2012; para. 2 not in force at Royal Assent see s. 216; para. 2 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(7)(d)** (with art. 15); para. 2 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, **art. 2(e)**

SCHEDULE 17

Section 116

DISABLED PUPILS: ENFORCEMENT

Modifications etc. (not altering text)

C16 Sch. 17: power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by S.I. 2011/1651, **art. 12(b)**); S.I. 2012/320, **art. 2(g)**

PART 1

INTRODUCTORY

1 In this Schedule—

"the Tribunal" means—

(a) in relation to a school in England, the First-tier Tribunal;

(b) in relation to a school in Wales, the Special Educational Needs Tribunal for Wales;

(c) in relation to a school in Scotland, **[**[F183]the First-tier Tribunal for Scotland**]** ;

"the English Tribunal" means the First-tier Tribunal;

"the Welsh Tribunal" means the Special Educational Needs Tribunal for Wales;

"the Scottish Tribunal" means **[**[F183]the First-tier Tribunal for Scotland**]** ;

"responsible body" is to be construed in accordance with section 85.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F183 Words in Sch. 17 para. 1 substituted (S.) (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 4(4)(a)**

Commencement Information

I135 Sch. 17 para. 1 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 para. 1 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 17 Pt. 1 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(9)(k)(i)** (with art. 15, and subject to transitional provision in art. 7)

PART 2

TRIBUNALS IN ENGLAND AND WALES

Introductory

2 This Part of this Schedule applies in relation to the English Tribunal and the Welsh Tribunal.

Commencement Information

I136 Sch. 17 para. 2 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 2 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(i)** (with art. 15, and subject to transitional provision in art. 7)

Jurisdiction [F184— England and Wales]

Textual Amendments

F184 Words in Sch. 17 para. 3 cross-heading inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 9(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 3**); S.I. 2012/320, **art. 3(f)**

3 A claim that a responsible body has contravened Chapter 1 of Part 6 because of a person's disability may be made **[**F185—

(a) to the English Tribunal by the person's parent or, if the person is over compulsory school age, the person;

(b) to the Welsh Tribunal by the person's parent.**]**.

Textual Amendments

F185 Words in Sch. 17 para. 3 substituted (1.9.2014) by Children and Families Act 2014 (c. 6), **ss. 60**, 139(6); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I137 Sch. 17 para. 3 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 2 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(i)** (with art. 15, and subject to transitional provision in art. 7)

[F186 Jurisdiction — Wales

Textual Amendments

F186 Sch. 17 para. 3A and cross-heading inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 9(3)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 3**); S.I. 2012/320, **art. 3(f)**

3A (1) A claim that a responsible body for a school in Wales has contravened Chapter 1 of Part 6 in relation to a person because of disability may be made to the Tribunal by that person ("the relevant person").

(2) But this paragraph does not apply to a claim to which paragraph 13 or 14 applies.

(3) The relevant person's right to claim is exercisable concurrently with the right of the relevant person's parent under paragraph 3.

(4) The exercise of rights under this paragraph is subject to provision made by regulations under paragraphs 6 and 6A.**]**

Time for bringing proceedings

4 (1) Proceedings on a claim may not be brought after the end of the period of 6 months starting with the date when the conduct complained of occurred.

F187(2) . . . . . .

[F188(2A) If, in relation to proceedings or prospective proceedings on a claim under paragraph 3 or 3A, the dispute is referred for resolution in pursuance of arrangements under paragraph 6C F189... before the end of the period of 6 months mentioned in sub-paragraph (1), that period is extended by 3 months.**]**

(3) The Tribunal may consider a claim which is out of time.

(4) Sub-paragraph (3) does not apply if the Tribunal has previously decided under that sub-paragraph not to consider a claim.

(5) For the purposes of sub-paragraph (1)—

(a) if the contravention is attributable to a term in a contract, the conduct is to be treated as extending throughout the duration of the contract;

(b) conduct extending over a period is to be treated as occurring at the end of the period;

(c) failure to do something is to be treated as occurring when the person in question decided on it.

(6) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—

(a) when P acts inconsistently with doing it, or

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) if P does not act inconsistently, on the expiry of the period in which P might reasonably have been expected to do it.

Textual Amendments

F187 Sch. 17 para. 4(2) omitted (25.6.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 64(14)(a)**, 103(2)

F188 Sch. 17 para. 4(2A) inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), s. 10(2) (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 4**); S.I. 2012/320, **art. 3(g)**

F189 Words in Sch. 17 para. 4(2A) omitted (25.6.2013) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 64(14)(b)**, 103(2)

Commencement Information

I138 Sch. 17 para. 4 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 2 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(i)** (with art. 15, and subject to transitional provision in art. 7)

Powers

5 (1) This paragraph applies if the Tribunal finds that the contravention has occurred.

(2) The Tribunal may make such order as it thinks fit.

(3) The power under sub-paragraph (2)—

(a) may, in particular, be exercised with a view to obviating or reducing the adverse effect on the person of any matter to which the claim relates;

(b) does not include power to order the payment of compensation.

Commencement Information

I139 Sch. 17 para. 5 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 2 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(i)** (with art. 15, and subject to transitional provision in art. 7)

Procedure

6 (1) This paragraph applies in relation to the Welsh Tribunal.

(2) The Welsh Ministers may by regulations make provision as to—

(a) the proceedings on a claim under paragraph 3 **[**[F190]or 3A**]**;

(b) the making of a claim.

(3) The regulations may, in particular, include provision—

(a) as to the manner in which a claim must be made;

(b) for enabling functions relating to preliminary or incidental matters (including in particular a decision under paragraph 4(3) to be performed by the President or by the person occupying the chair);

(c) enabling hearings to be conducted in the absence of a member other than the person occupying the chair;

[[F191](ca) for adding and substituting parties;**]**

(d) as to persons who may appear on behalf of the parties;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(e) for granting such rights to disclosure or inspection of documents or to further particulars as may be granted by the county court;
(f) requiring persons to attend to give evidence and produce documents;
(g) for authorising the administration of oaths to witnesses;
(h) for deciding claims without a hearing in prescribed circumstances;
(i) as to the withdrawal of claims;
(j) for enabling the Tribunal to stay proceedings;
(k) for the award of costs or expenses;
(l) for settling costs or expenses (and, in particular, for enabling costs to be assessed in the county court);
(m) for the registration and proof of decisions and orders;
(n) for enabling prescribed decisions to be reviewed, or prescribed orders to be varied or revoked, in such circumstances as may be decided in accordance with the regulations.

(4) Proceedings must be held in private, except in prescribed circumstances.

(5) The Welsh Ministers may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as they may decide.

(6) Part 1 of the Arbitration Act 1996 does not apply to the proceedings, but regulations may make provision in relation to such proceedings that corresponds to a provision of that Part.

(7) The regulations may make provision for a claim to be heard, in prescribed circumstances, with an appeal under Part 4 of the Education Act 1996 (special educational needs).

(8) A person commits an offence by failing to comply with—
(a) a requirement in respect of the disclosure or inspection of documents imposed by virtue of sub-paragraph (3)(e), or
(b) a requirement imposed by virtue of sub-paragraph (3)(f).

(9) A person guilty of the offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F190 Words in Sch. 17 para. 6(2)(a) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 11(2)(a)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 5**); S.I. 2012/320, **art. 2(d)**

F191 Sch. 17 para. 6(3)(ca) inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 11(2)(b)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 5**); S.I. 2012/320, **art. 2(d)**

Commencement Information

I140 Sch. 17 para. 6 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 para. 6(1)-(7) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 17 Pt. 2 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(9)(k)(i)** (with art. 15, and subject to transitional provision in art. 7)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F192F193 Case friends — Wales

Textual Amendments

F192 Sch. 17 para. 6A and cross-heading inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 12(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 6**); S.I. 2012/320, **art. 2(e)**

F193 Sch. 17 para. 6A and cross-heading inserted (E.W.) (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 12(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 6**); S.I. 2012/320, **art. 2(e)**

6A (1) The Welsh Ministers may by regulations provide for—

(a) a disabled child in a local authority area in Wales to have a person to make representations on behalf of the disabled child with a view to avoiding or resolving disagreements about contraventions of Chapter 1 of Part 6; and

(b) a relevant person (within the meaning of paragraph 3A) to have another person to exercise the relevant person's rights under that paragraph on the relevant person's behalf.

(2) A person exercising rights or making representations on behalf of a disabled child or a relevant person under sub-paragraph (1) is referred to in this Schedule as a "case friend".

(3) A case friend must—

(a) make representations and exercise rights fairly and competently;

(b) have no interest adverse to that of the disabled child or relevant person;

(c) ensure that all steps and decisions taken by the case friend are for the benefit of the disabled child or relevant person and take account of the disabled child or relevant person's views.

(4) Regulations made under this paragraph may (among other things)—

(a) confer functions on the Welsh Tribunal;

(b) make provision about procedures in relation to case friends;

(c) make provision about the appointment and removal of case friends;

(d) specify the circumstances in which a person may or may not act as a case friend;

(e) specify the circumstances in which a relevant person (within the meaning of paragraph 3A) must have a case friend;

(f) specify further requirements in respect of the conduct of case friends.

(5) In this paragraph and in paragraphs 6B, 6C, 6D and 6E, "local authority" has the meaning given in section 89(10).

(6) In this paragraph and in paragraphs 6B, 6C and 6D—

"disabled child" means any disabled person who is a pupil (or a prospective pupil) of—

(a) a maintained school or maintained nursery school,

(b) a pupil referral unit,

(c) an independent school, or

(d) a special school not maintained by a local authority;

"proprietor" has the meaning given in section 89(4);

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"school" has the meanings given in section 89(5).

(7) In sub-paragraph (6)—

"independent school" has the meaning given in section 89(8);

"maintained school" has the meaning given in section 20(7) of the School Standards and Framework Act 1998;

"maintained nursery school" has the meaning given in section 22(9) of the School Standards and Framework Act 1998

"pupil" has the meanings given in section 89(3);

"pupil referral unit" has the meaning given in section 19 of the Education Act 1996; and

"special school" has the meaning given in section 89(9).**]**

[F194 Advice and information — Wales

Textual Amendments

F194 Sch. 17 para. 6B and cross-heading inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 13(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 7**); S.I. 2012/320, **art. 3(h)**

6B (1) A local authority in Wales must arrange for any disabled child in its area and for the case friend of any such child to be provided with advice and information about matters relating to disability discrimination in schools.

(2) In making the arrangements, the local authority must have regard to any guidance given by the Welsh Ministers.

(3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(4) The local authority must take such steps as it considers appropriate for making the services provided under sub-paragraph (1) known to—

(a) disabled children in its area,

(b) parents of disabled children in its area,

(c) head teachers and proprietors of schools in its area, and

(d) such other persons as it considers appropriate.**]**

[F195 Resolution of disputes — Wales

Textual Amendments

F195 Sch. 17 para. 6C and cross-heading inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 14(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 8**); S.I. 2012/320, **art. 3(i)**

6C (1) A local authority in Wales must make arrangements with a view to avoiding or resolving disagreements between responsible bodies and disabled children in its area about contraventions of Chapter 1 of Part 6.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.

(3) In making the arrangements, the local authority must have regard to any guidance given by the Welsh Ministers.

(4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(5) The local authority must take such steps as it considers appropriate for making the arrangements under sub-paragraph (1) known to—
   (a) disabled children in its area,
   (b) parents of disabled children in its area,
   (c) head teachers and proprietors of schools in its area, and
   (d) such other persons as it considers appropriate.

(6) The arrangements cannot affect the entitlement of any person to make a claim to the Tribunal, and the local authority must take such steps as it considers appropriate to make that fact known to disabled children, to parents of disabled children and to case friends for disabled children in its area.**]**

[F196 Independent advocacy services — Wales

Textual Amendments

F196 Sch. 17 para. 6D and cross-heading inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 15(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 9**); S.I. 2012/320, **art. 3(j)**

6D (1) Every local authority in Wales must—
   (a) make arrangements for the provision of independent advocacy services in its area;
   (b) refer any disabled child in its area who requests independent advocacy services to a service provider;
   (c) refer any person who is a case friend for a disabled child in its area and who requests independent advocacy services to a service provider.

(2) In this paragraph "independent advocacy services" are services providing advice and assistance (by way of representation or otherwise) to a disabled child who is—
   (a) making, or intending to make a claim that a responsible body has contravened Chapter 1 of Part 6 because of the child's disability; or
   (b) considering whether to make such a claim; or
   (c) taking part in or intending to take part in dispute resolution arrangements made under paragraph 6C.

(3) In making arrangements under this paragraph, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
   (a) the subject of a claim to the Tribunal, or
   (b) involved in investigating or adjudicating on such a claim.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

(5) Every local authority in Wales must take such steps as it considers appropriate for making the arrangements under this paragraph known to—
  (a) disabled children in its area,
  (b) parents of disabled children in its area,
  (c) head teachers and proprietors of schools in its area, and
  (d) such other persons as it considers appropriate.

(6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.

(7) A local authority must have regard to any guidance given from time to time by the Welsh Ministers.**]**

[F197 Power of direction — Wales

Textual Amendments

F197 Sch. 17 para. 6E and cross-heading inserted (E.W.) (6.3.2012) by Education (Wales) Measure 2009 (nawm 5), **s. 16(2)** (as substituted (6.7.2011) by The Right of a Child to Make a Disability Discrimination Claim (Schools) (Wales) Order 2011 (S.I. 2011/1651), **art. 10**); S.I. 2012/320, **art. 3(k)**

6E (1) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that a local authority—
  (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under paragraph 6B, 6C or 6D, or
  (b) has failed to discharge a duty imposed by or under any of those paragraphs,

they may give that local authority such directions as to the discharge of the duty as appear to them to be expedient.

(2) A direction may be given under sub-paragraph (1) even if the performance of the duty is contingent on the opinion of the local authority.

(3) A direction—
  (a) may be varied or revoked by the Welsh Ministers;
  (b) may be enforced, on the application of the Welsh Ministers, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.**]**

PART 3

TRIBUNALS IN SCOTLAND

Introductory

7 This Part of this Schedule applies in relation to the Scottish Tribunal.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I141 Sch. 17 para. 7 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 3 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(ii)** (with art. 15, and subject to transitional provision in art. 7); Sch. 17 Pt. 3 in force in so far as not already in force at 18.3.2011 by S.I. 2010/2317, **art. 3(d)** (with art. 15, and subject to transitional provision in art. 7)

Jurisdiction

8 A claim that a responsible body has contravened Chapter 1 of Part 6 because of a person's disability may be made to the Tribunal by—

(a) the person's parent;

(b) where the person has capacity to make the claim, the person.

Commencement Information

I142 Sch. 17 para. 8 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 3 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(ii)** (with art. 15, and subject to transitional provision in art. 7); Sch. 17 Pt. 3 in force in so far as not already in force at 18.3.2011 by S.I. 2010/2317, **art. 3(d)** (with art. 15, and subject to transitional provision in art. 7)

Powers

9 (1) This paragraph applies if the Tribunal finds the contravention has occurred.

(2) The Tribunal may make such order as it thinks fit.

(3) The power under sub-paragraph (2)—

(a) may, in particular, be exercised with a view to obviating or reducing the adverse effect on the person of any matter to which the claim relates;

(b) does not include power to order the payment of compensation.

Commencement Information

I143 Sch. 17 para. 9 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 3 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(ii)** (with art. 15, and subject to transitional provision in art. 7); Sch. 17 Pt. 3 in force in so far as not already in force at 18.3.2011 by S.I. 2010/2317, **art. 3(d)** (with art. 15, and subject to transitional provision in art. 7)

Procedure etc.

10 (1) The Scottish Ministers may make rules as to—

(a) the proceedings on a claim under paragraph 8;

(b) the making of a claim.

(2) The rules may, in particular, include provision for or in connection with—

(a) the form and manner in which a claim must be made;

(b) the time within which a claim is to be made;

(c) the withdrawal of claims;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) the recovery and inspection of documents;
(e) the persons who may appear on behalf of the parties;
(f) the persons who may be present at proceedings alongside any party or witness to support the party or witness;
(g) enabling specified persons other than the parties to appear or be represented in specified circumstances;
(h) requiring specified persons to give notice to other specified persons of specified matters;
(i) the time within which any such notice must be given;
(j) enabling Tribunal proceedings to be conducted in the absence of any member of a Tribunal other than the convener;
(k) enabling any matters that are preliminary or incidental to the determination of proceedings to be determined by the convenor of a Tribunal alone or with such other members of the Tribunal as may be specified;
(l) enabling Tribunals to be held in private;
(m) enabling a Tribunal to exclude any person from attending all or part of Tribunal proceedings;
(n) enabling a Tribunal to impose reporting restrictions in relation to all or part of Tribunal proceedings;
(o) enabling a Tribunal to determine specified matters without holding a hearing;
(p) the recording and publication of decisions and orders of a Tribunal;
(q) enabling a Tribunal to commission medical and other reports in specified circumstances;
(r) requiring a Tribunal to take specified actions, or to determine specified proceedings, within specified periods;
(s) enabling a Tribunal to make an award of expenses;
(t) the taxation or assessment of such expenses;
(u) enabling a Tribunal, in specified circumstances, to review, or to vary or revoke, any of its decisions, orders or awards;
(v) enabling a Tribunal, in specified circumstances, to review the decisions, orders or awards of another Tribunal and take such action (including variation and revocation) in respect of those decisions, orders or awards as it thinks fit.

Commencement Information

I144 Sch. 17 para. 10 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 3 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(ii)** (with art. 15, and subject to transitional provision in art. 7); Sch. 17 Pt. 3 in force in so far as not already in force at 18.3.2011 by S.I. 2010/2317, **art. 3(d)** (with art. 15, and subject to transitional provision in art. 7)

Appeals

F198 11 . . . . . .

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F198 Sch. 17 para. 11 repealed (S.) (12.1.2018) by The First-tier Tribunal for Scotland (Transfer of Functions of the Additional Support Needs Tribunals for Scotland) Regulations 2018 (S.S.I. 2018/4), reg. 1(1), **sch. 2 para. 4(4)(b)**

Amendment of Education (Additional Support for Learning) (Scotland) Act 2004

12 The Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) is amended as follows—

(a) in section 17(1), omit "to exercise the functions which are conferred on a Tribunal by virtue of this Act";

(b) after section 17(1), insert—

"(1A) Tribunals are to exercise the functions which are conferred on them by virtue of—

(a) this Act, and

(b) the Equality Act 2010";

(c) in the definition of "Tribunal functions" in paragraph 1 of Schedule 1, after "Act" insert " or the Equality Act 2010 ".

Commencement Information

I145 Sch. 17 para. 12 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 3 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(ii)** (with art. 15, and subject to transitional provision in art. 7); Sch. 17 Pt. 3 in force in so far as not already in force at 18.3.2011 by S.I. 2010/2317, **art. 3(d)** (with art. 15, and subject to transitional provision in art. 7)

PART 4

ADMISSIONS AND EXCLUSIONS

Admissions

13 (1) This paragraph applies if appeal arrangements have been made in relation to admissions decisions.

(2) A claim that a responsible body has, because of a person's disability, contravened Chapter 1 of Part 6 in respect of an admissions decision must be made under the appeal arrangements.

(3) The body hearing the claim has the powers it has in relation to an appeal under the appeal arrangements.

(4) Appeal arrangements are arrangements under—

(a) section 94 of the School Standards and Framework Act 1998, or

[[F199](b) Academy arrangements (as defined in section 1 of the Academies Act 2010) between the responsible body for an Academy and the Secretary of State,**]**

enabling an appeal to be made by the person's parent against the decision.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) An admissions decision is—

(a) a decision of a kind mentioned in section 94(1) or (2) of the School Standards and Framework Act 1998;

(b) a decision as to the admission of a person to an **[**[F200]Academy school or an alternative provision Academy**]** taken by the responsible body or on its behalf.

Textual Amendments

F199 Sch. 17 para. 13(4)(b) substituted (1.2.2012) by Education Act 2011 (c. 21), s. 65, **Sch. 15 para. 2**; S.I. 2012/84, **art. 3**

F200 Words in Sch. 17 para. 13(5)(b) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 54(1), **Sch. 13 para. 20(4)**; S.I. 2012/924, **art. 2**

Commencement Information

I146 Sch. 17 para. 13 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 4 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(iii)** (with art. 15, and subject to transitional provision in art. 7)

*Exclusions **[**[F201]: Wales**]***

Textual Amendments

F201 Word in Sch. 17 para. 14 cross-heading inserted (1.9.2012) by Education Act 2011 (c. 21), s. 4(4), **Sch. 1 para. 12**; S.I. 2012/1087, **art. 3**

14 (1) This paragraph applies if appeal arrangements have been made in relation to exclusion decisions **[**[F202]that are made in relation to schools in Wales**]**.

(2) A claim that a responsible body has, because of a person's disability, contravened Chapter 1 of Part 6 in respect of an exclusion decision must be made under the appeal arrangements.

(3) The body hearing the claim has the powers it has in relation to an appeal under the appeal arrangements.

[[F203](4) Appeal arrangements are arrangements under section 52(3) of the Education Act 2002 enabling an appeal to be made against an exclusion decision.**]**

(5) An exclusion decision is—

(a) a decision of a kind mentioned in 52(3) of the Education Act 2002;

(b) [F204] . . . . . .

(6) "Responsible body", in relation to a maintained school, includes the discipline committee of the governing body if that committee is required to be established as a result of regulations made under section 19 of the Education Act 2002.

(7) "Maintained school" has the meaning given in section 20(7) of the School Standards and Framework Act 1998.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F202 Words in Sch. 17 para. 14(1) inserted (1.9.2012) by Education Act 2011 (c. 21), s. 4(4), **Sch. 1 para. 13(a)**; S.I. 2012/1087, **art. 3**

F203 Sch. 17 para. 14(4) substituted (1.9.2012) by Education Act 2011 (c. 21), s. 4(4), **Sch. 1 para. 13(b)**; S.I. 2012/1087, **art. 3**

F204 Sch. 17 para. 14(5)(b) omitted (1.9.2012) by virtue of Education Act 2011 (c. 21), s. 4(4), **Sch. 1 para. 13(c)**; S.I. 2012/1087, **art. 3**

Commencement Information

I147 Sch. 17 para. 14 wholly in force; Sch. 17 not in force at Royal Assent see s. 216; Sch. 17 Pt. 4 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(9)(k)(iii)** (with art. 15, and subject to transitional provision in art. 7)

SCHEDULE 18

Section 149

PUBLIC SECTOR EQUALITY DUTY: EXCEPTIONS

Children

1 (1) Section 149, so far as relating to age, does not apply to the exercise of a function relating to—

(a) the provision of education to pupils in schools;

(b) the provision of benefits, facilities or services to pupils in schools;

(c) the provision of accommodation, benefits, facilities or services in community homes pursuant to section 53(1) of the Children Act 1989;

(d) the provision of accommodation, benefits, facilities or services pursuant to arrangements under section 82(5) of that Act (arrangements by the Secretary of State relating to the accommodation of children);

(e) the provision of accommodation, benefits, facilities or services in residential establishments pursuant to section 26(1)(b) of the Children (Scotland) Act 1995.

(2) "Pupil" and "school" each have the same meaning as in Chapter 1 of Part 6.

Immigration

2 (1) In relation to the exercise of immigration and nationality functions, section 149 has effect as if subsection (1)(b) did not apply to the protected characteristics of age, race or religion or belief; but for that purpose "race" means race so far as relating to—

(a) nationality, or

(b) ethnic or national origins.

(2) "Immigration and nationality functions" means functions exercisable by virtue of—

(a) the Immigration Acts (excluding sections 28A to 28K of the Immigration Act 1971 so far as they relate to criminal offences),

(b) the British Nationality Act 1981,

(c) the British Nationality (Falkland Islands) Act 1983,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) the British Nationality (Hong Kong) Act 1990,
(e) the Hong Kong (War Wives and Widows) Act 1996,
(f) the British Nationality (Hong Kong) Act 1997,
(g) the Special Immigration Appeals Commission Act 1997, or
(h) a provision made under section 2(2) of the European Communities Act 1972, or of **[**[F205]EU law**]**, which relates to the subject matter of an enactment within paragraphs (a) to (g).

Textual Amendments

F205 Words in Sch. 18 para. 2(2)(h) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), **art. 11**

Judicial functions, etc.

3 (1) Section 149 does not apply to the exercise of—
(a) a judicial function;
(b) a function exercised on behalf of, or on the instructions of, a person exercising a judicial function.

(2) The references to a judicial function include a reference to a judicial function conferred on a person other than a court or tribunal.

Exceptions that are specific to section 149(2)

4 (1) Section 149(2) (application of section 149(1) to persons who are not public authorities but by whom public functions are exercisable) does not apply to—
(a) a person listed in sub-paragraph (2);
(b) the exercise of a function listed in sub-paragraph (3).

(2) Those persons are—
(a) the House of Commons;
(b) the House of Lords;
(c) the Scottish Parliament;
(d) the National Assembly for Wales;
(e) the General Synod of the Church of England;
(f) the Security Service;
(g) the Secret Intelligence Service;
(h) the Government Communications Headquarters;
(i) a part of the armed forces which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters.

(3) Those functions are—
(a) a function in connection with proceedings in the House of Commons or the House of Lords;
(b) a function in connection with proceedings in the Scottish Parliament (other than a function of the Scottish Parliamentary Corporate Body);
(c) a function in connection with proceedings in the National Assembly for Wales (other than a function of the Assembly Commission).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Power to amend Schedule

5 (1) A Minister of the Crown may by order amend this Schedule so as to add, vary or omit an exception to section 149.

(2) But provision by virtue of sub-paragraph (1) may not amend this Schedule—

(a) so as to omit an exception in paragraph 3;

(b) so as to omit an exception in paragraph 4(1) so far as applying for the purposes of paragraph 4(2)(a) to (e) or (3);

(c) so as to reduce the extent to which an exception referred to in paragraph (a) or (b) applies.

SCHEDULE 19

Section 150

PUBLIC AUTHORITIES

PART 1

PUBLIC AUTHORITIES: GENERAL

Ministers of the Crown and government departments

A Minister of the Crown.

A government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

Armed forces

Any of the armed forces other than any part of the armed forces which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters.

[F206 Broadcasting

Textual Amendments

F206 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 2**

The British Broadcasting Corporation (“ BBC ”), except in respect of functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003); and the reference to the BBC includes a reference to a body corporate which—

(a) is a wholly owned subsidiary of the BBC ,

(b) is not operated with a view to generating a profit, and

(c) undertakes activities primarily in order to promote the BBC 's public purposes.

The Channel Four Television Corporation, except in respect of—

(a) functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003), and

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the function of carrying on the activities referred to in section 199 of that Act.

The Welsh Authority (as defined by section 56(1) of the Broadcasting Act 1990), except in respect of functions relating to the provision of a content service (within the meaning given by section 32(7) of the Communications Act 2003).**]**

[F207 Citizens' rights

Textual Amendments

F207 Words in Sch. 19 Pt. 1 inserted (19.3.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 2 para. 21** (with Sch. 2 para. 37); S.I. 2020/317, reg. 3(b)(ii)

The Independent Monitoring Authority for the Citizens' Rights Agreements.**]**

[F208 Civil liberties

Textual Amendments

F208 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 2**

The Commission for Equality and Human Rights.

The Information Commissioner.**]**

[F209 Court services and legal services

Textual Amendments

F209 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 2**

The Children and Family Court Advisory and Support Service.

The Judicial Appointments Commission.

The Legal Services Board.

F210 . . . . . **]**

Textual Amendments

F210 Sch. 19 Pt. 1 entry omitted (1.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 39(1), **Sch. 5 para. 70**; S.I. 2013/453, **art. 3(h)** (with savings and transitional provisions in S.I. 2013/534, art. 6)

Textual Amendments

F210 Sch. 19 Pt. 1 entry omitted (1.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 39(1), **Sch. 5 para. 70**; S.I. 2013/453, **art. 3(h)** (with savings and transitional provisions in S.I. 2013/534, art. 6)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F211 Criminal justice

Textual Amendments

F211 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 2**

Her Majesty's Chief Inspector of Constabulary.

Her Majesty's Chief Inspector of the Crown Prosecution Service.

Her Majesty's Chief Inspector of Prisons.

Her Majesty's Chief Inspector of Probation for England and Wales.

The Parole Board for England and Wales.

A probation trust established by an order made under section 5(1) of the Offender Management Act 2007.

The Youth Justice Board for England and Wales.**]**

[F212 Environment, housing and development

Textual Amendments

F212 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 2**

The Homes and Communities Agency.

Natural England.

F213 . . . . . .

F214 ...**]**

Textual Amendments

F213 Sch. 19 Pt. 1: entry repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 178, 237, Sch. 16 para. 62, **Sch. 25 Pt. 26**; S.I. 2012/628, **art. 6(i)(j)(i)**

F214 Words in Sch. 19 Pt. 1 omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 15**

Textual Amendments

F213 Sch. 19 Pt. 1: entry repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 178, 237, Sch. 16 para. 62, **Sch. 25 Pt. 26**; S.I. 2012/628, **art. 6(i)(j)(i)**

F214 Words in Sch. 19 Pt. 1 omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 15**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F215 Health, social care and social security]

Textual Amendments

F215 Sch. 19 Pt. 1 entries and related heading substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 3**

[F216**[**F217**]**The National Health Service Commissioning Board.

A clinical commissioning group established under section 14D of the National Health Service Act 2006.**]**

The Care Quality Commission.

F218 . . . . . .

[F219**]**Health Education England.**]**

[F220**]**The Health Research Authority.**]**

The Health Service Commissioner for England, in respect of—

(a) the Commissioner's functions set out in paragraph 11 of Schedule 1 to the Health Service Commissioners Act 1993; and

(b) the Commissioner's public procurement functions (as defined in section 155(3) of this Act).

[F221**]**Monitor**]**.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.

F222 . . . . . .

F223 . . . . . .

A Special Health Authority established under section 28 of that Act other than NHS Blood and Transplant and the NHS Business Services Authority.

F224 . . . . . .

[F225**]**The Health and Social Care Information Centre.**]**

[F226**]**The National Data Guardian for Health and Social Care.**]**

[F227**]**The National Institute for Health and Care Excellence.**]]**

Textual Amendments

F216 Sch. 19 Pt. 1 entries and related heading substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 3**

F217 Sch. 19 Pt. 1 entries inserted (27.3.2012 for specified purposes otherwise 1.10.2012) by Health and Social Care Act 2012 (c. 7), ss. 55(2), 306(1)(d), **Sch. 5 para. 182(a)**; S.I. 2012/1831, **art. 2(2)**

F218 Sch. 19 Pt. 1 entry omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), arts. 1(2), 3(2), **Sch. para. 109(e)**

F219 Words in Sch. 19 Pt. 1 inserted (E.W.) (1.4.2015) by Care Act 2014 (c. 23), s. 127(1), **Sch. 5 para. 35**; S.I. 2014/3186, art. 2(f)

F220 Words in Sch. 19 Pt. 1 inserted (1.1.2015) by Care Act 2014 (c. 23), s. 127(1), **Sch. 7 para. 27**; S.I. 2014/2473, art. 5(m)

F221 Sch. 19 Pt. 1 entry substituted (27.3.2012 for specified purposes otherwise 1.7.2012) by Health and Social Care Act 2012 (c. 7), ss. 150(5), 306(1)(d), **Sch. 13 para. 19**; S.I. 2012/1319, **art. 2(3)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F222 Sch. 19 Pt. 1 entry omitted (27.3.2012 for specified purposes otherwise prosp.) by virtue of Health and Social Care Act 2012 (c. 7), ss. 179(6), 306(1)(d)(4), **Sch. 14 para. 116** (with s. 179(5)(b))

F223 Sch. 19 Pt. 1 entry omitted (27.3.2012 for specified purposes otherwise 1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), ss. 55(2), 306(1)(d), **Sch. 5 para. 182(c)**; S.I. 2013/160, **art. 2(2)**

F224 Sch. 19 Pt. 1 entry omitted (27.3.2012 for specified purposes otherwise 1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), ss. 55(2), 306(1)(d), **Sch. 5 para. 182(d)**; S.I. 2013/160, **art. 2(2)**

F225 Sch. 19 Pt. 1 entry added (27.3.2012 for specified purposes otherwise 1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 277, 306(1)(d), **Sch. 19 para. 13**; S.I. 2013/160, **art. 2(2)**

F226 Words in Sch. 19 Pt. 1 inserted (E.W.) (1.4.2019) by Health and Social Care (National Data Guardian) Act 2018 (c. 31), s. 5(1), **Sch. 2 para. 5**; S.I. 2019/580, reg. 2

F227 Sch. 19 Pt. 1 entry added (27.3.2012 for specified purposes otherwise 1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 249(1), 306(1)(d), **Sch. 17 para. 14**; S.I. 2013/160, **art. 2(2)**

Textual Amendments

F216 Sch. 19 Pt. 1 entries and related heading substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 3**

F217 Sch. 19 Pt. 1 entries inserted (27.3.2012 for specified purposes otherwise 1.10.2012) by Health and Social Care Act 2012 (c. 7), ss. 55(2), 306(1)(d), **Sch. 5 para. 182(a)**; S.I. 2012/1831, **art. 2(2)**

F218 Sch. 19 Pt. 1 entry omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), arts. 1(2), 3(2), **Sch. para. 109(e)**

F219 Words in Sch. 19 Pt. 1 inserted (E.W.) (1.4.2015) by Care Act 2014 (c. 23), s. 127(1), **Sch. 5 para. 35**; S.I. 2014/3186, art. 2(f)

F220 Words in Sch. 19 Pt. 1 inserted (1.1.2015) by Care Act 2014 (c. 23), s. 127(1), **Sch. 7 para. 27**; S.I. 2014/2473, art. 5(m)

F221 Sch. 19 Pt. 1 entry substituted (27.3.2012 for specified purposes otherwise 1.7.2012) by Health and Social Care Act 2012 (c. 7), ss. 150(5), 306(1)(d), **Sch. 13 para. 19**; S.I. 2012/1319, **art. 2(3)**

F222 Sch. 19 Pt. 1 entry omitted (27.3.2012 for specified purposes otherwise prosp.) by virtue of Health and Social Care Act 2012 (c. 7), ss. 179(6), 306(1)(d)(4), **Sch. 14 para. 116** (with s. 179(5)(b))

F223 Sch. 19 Pt. 1 entry omitted (27.3.2012 for specified purposes otherwise 1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), ss. 55(2), 306(1)(d), **Sch. 5 para. 182(c)**; S.I. 2013/160, **art. 2(2)**

F224 Sch. 19 Pt. 1 entry omitted (27.3.2012 for specified purposes otherwise 1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), ss. 55(2), 306(1)(d), **Sch. 5 para. 182(d)**; S.I. 2013/160, **art. 2(2)**

F225 Sch. 19 Pt. 1 entry added (27.3.2012 for specified purposes otherwise 1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 277, 306(1)(d), **Sch. 19 para. 13**; S.I. 2013/160, **art. 2(2)**

F226 Words in Sch. 19 Pt. 1 inserted (E.W.) (1.4.2019) by Health and Social Care (National Data Guardian) Act 2018 (c. 31), s. 5(1), **Sch. 2 para. 5**; S.I. 2019/580, reg. 2

F227 Sch. 19 Pt. 1 entry added (27.3.2012 for specified purposes otherwise 1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 249(1), 306(1)(d), **Sch. 17 para. 14**; S.I. 2013/160, **art. 2(2)**

[F228 Industry, business, finance etc.

Textual Amendments

F228 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 4**

The Advisory, Conciliation and Arbitration Service.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The Bank of England **[**[F229](including the Bank in its capacity as the Prudential Regulation Authority)**]**, in respect of its public functions.

[[F230]The Board of the Pension Protection Fund.**]**

The Civil Aviation Authority.

[F231] …

[[F230]The Coal Authority.**]**

[F232] …

[[F233]The Comptroller and Auditor General.**]**

[[F230]The Construction Industry Training Board.**]**

[[F230]The Engineering Construction Industry Training Board.**]**

[[F234]The Financial Conduct Authority**]**

[[F235]The Money and Pensions Service.**]**

The National Audit Office.

[[F230]The Nuclear Decommissioning Authority.**]**

[[F236]The Office for Budget Responsibility.**]**

The Office of Communications.

[[F237]The Office of Tax Simplification.**]**

[[F230]The Oil and Gas Authority.**]**

[[F238]The Payment Systems Regulator established under section 40 of the Financial Services (Banking Reform) Act 2013.**]**

[F239] …

[F240] …

[[F241]United Kingdom Research and Innovation.**]]**

Textual Amendments

F229 Words in Sch. 19 Pt. 1 inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 19(a)**

F230 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 2(b)** (with reg. 2(4)(5))

F231 Sch. 19 Pt. 1 entry omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 182** (with art. 3)

F232 Words in Sch. 19 Pt. 1 omitted (31.3.2017) by virtue of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 2(a)** (with reg. 2(4)(5))

F233 Sch. 19 Pt. 1 entry inserted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 26(2), **Sch. 5 para. 34**; S.I. 2011/2576, **art. 5**

F234 Sch. 19 Pt. 1 entry substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 114(1), **Sch. 18 para. 131(a)** (with Sch. 20); S.I. 2013/423, art. 3, **Sch.**

F235 Words in Sch. 19 Pt. 1 inserted (6.4.2019) by The Financial Guidance and Claims Act 2018 (Naming and Consequential Amendments) Regulations 2019 (S.I. 2019/383), reg. 1(1), **Sch. para. 9(b)**

F236 Sch. 19 Pt. 1 entry inserted (4.4.2011) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 3(2), **Sch. 1 para. 28**; S.I. 2011/892, art. 3, **Sch. 2**

F237 Words in Sch. 19 Pt. 1 inserted (28.11.2016) by Finance Act 2016 (c. 24), s. 189, **Sch. 25 para. 15**; S.I. 2016/1133, reg. 2

F238 Sch. 19 Pt. 1 entry inserted (1.3.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 4 para. 16**; S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F239 Words in Sch. 19 Pt. 1 omitted (6.4.2019) by virtue of The Financial Guidance and Claims Act 2018 (Naming and Consequential Amendments) Regulations 2019 (S.I. 2019/383), reg. 1(1), **Sch. para. 9(a)**

F240 Words in Sch. 19 Pt. 1 omitted (1.3.2017) by virtue of The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 19(b)**

F241 Words in Sch. 19 Pt. 1 inserted (30.3.2018) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 9 para. 23**; S.I. 2018/241, reg. 3(d)

Textual Amendments

F229 Words in Sch. 19 Pt. 1 inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 19(a)**

F230 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 2(b)** (with reg. 2(4)(5))

F231 Sch. 19 Pt. 1 entry omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 182** (with art. 3)

F232 Words in Sch. 19 Pt. 1 omitted (31.3.2017) by virtue of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 2(a)** (with reg. 2(4)(5))

F233 Sch. 19 Pt. 1 entry inserted (1.4.2012) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 26(2), **Sch. 5 para. 34**; S.I. 2011/2576, **art. 5**

F234 Sch. 19 Pt. 1 entry substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 114(1), **Sch. 18 para. 131(a)** (with Sch. 20); S.I. 2013/423, art. 3, **Sch.**

F235 Words in Sch. 19 Pt. 1 inserted (6.4.2019) by The Financial Guidance and Claims Act 2018 (Naming and Consequential Amendments) Regulations 2019 (S.I. 2019/383), reg. 1(1), **Sch. para. 9(b)**

F236 Sch. 19 Pt. 1 entry inserted (4.4.2011) by Budget Responsibility and National Audit Act 2011 (c. 4), s. 3(2), **Sch. 1 para. 28**; S.I. 2011/892, art. 3, **Sch. 2**

F237 Words in Sch. 19 Pt. 1 inserted (28.11.2016) by Finance Act 2016 (c. 24), s. 189, **Sch. 25 para. 15**; S.I. 2016/1133, reg. 2

F238 Sch. 19 Pt. 1 entry inserted (1.3.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 4 para. 16**; S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1

F239 Words in Sch. 19 Pt. 1 omitted (6.4.2019) by virtue of The Financial Guidance and Claims Act 2018 (Naming and Consequential Amendments) Regulations 2019 (S.I. 2019/383), reg. 1(1), **Sch. para. 9(a)**

F240 Words in Sch. 19 Pt. 1 omitted (1.3.2017) by virtue of The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 19(b)**

F241 Words in Sch. 19 Pt. 1 inserted (30.3.2018) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 9 para. 23**; S.I. 2018/241, reg. 3(d)

Local government

A county council, district council or parish council in England.

A parish meeting constituted under section 13 of the Local Government Act 1972.

Charter trustees constituted under section 246 of that Act for an area in England.

The Greater London Authority.

A London borough council.

The Common Council of the City of London in its capacity as a local authority or port health authority.

The Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in that person's capacity as a local authority.

F242 . . . . . .

[[F243]The London Fire Commissioner,**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Transport for London.

[[F244]A Mayoral development corporation.**]**

The Council of the Isles of Scilly.

The Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988.

[F245] . . . . . .

A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in England.

[[F246]A fire and rescue authority created by an order under section 4A of that Act.**]**

An internal drainage board which is continued in being by virtue of section 1 of the Land Drainage Act 1991 for an area in England.

A National Park authority established by an order under section 63 of the Environment Act 1995 for an area in England.

A Passenger Transport Executive for an integrated transport area in England (within the meaning of Part 2 of the Transport Act 1968).

A port health authority constituted by an order under section 2 of the Public Health (Control of Disease) Act 1984 for an area in England.

A waste disposal authority established by virtue of an order under section 10(1) of the Local Government Act 1985.

A joint authority established under Part 4 of that Act for an area in England (including, by virtue of section 77(9) of the Local Transport Act 2008, an Integrated Transport Authority established under Part 5 of that Act of 2008).

[[F247]A sub-national transport body established under section 102E of the Local Transport Act 2008.**]**

A body corporate established pursuant to an order under section 67 of the Local Government Act 1985.

A joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972 for an area in England.

A joint board which is continued in being by virtue of section 263(1) of that Act for an area in England.

[F248] …

[[F249]A Local Commissioner in England as defined by section 23(3) of the Local Government Act 1974, in respect of—

(a) the Commissioner's functions under sections 29(6A) and 34G(6) of that Act, and section 210(5) of the Apprenticeships, Skills, Children and Learning Act 2009; and

(b) the Commissioner's public procurement functions (as defined in section 155(3) of this Act).

[F250] …**]**

[[F251]A combined authority established by an order made under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009.

An economic prosperity board established by an order made under section 88(1) of the Local Democracy, Economic Development and Construction Act 2009.

An urban development corporation established by an order made under section 135 of the Local Government, Planning and Land Act 1980.**]**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F242 Sch. 19 Pt. 1 entry repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 237, **Sch. 25 Pt. 32**; S.I. 2012/628, **art. 4(d)**

F243 Words in Sch. 19 Pt. 1 substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 116**

F244 Sch. 19 Pt. 1 entry inserted (15.1.2012) by Localism Act 2011 (c. 20), ss. 222, 240(1)(l), **Sch. 22 para. 62**

F245 Sch. 19 Pt. 1 entry repealed (1.7.2012 at 00.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 30(3), **Sch. 6** (with Sch. 6 Note 1); S.I. 2012/1662, **art. 2(2)(b)**

F246 Words in Sch. 19 Pt. 1 inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 85**; S.I. 2017/399, reg. 2, Sch. para. 38

F247 Words in Sch. 19 Pt. 1 inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 31**

F248 Words in Sch. 19 Pt. 1 omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 114**; S.I. 2015/841, art. 3(x)

F249 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 5**

F250 Words in Sch. 19 Pt. 1 omitted (31.3.2017) by virtue of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 3(a)** (with reg. 2(4)(5))

F251 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 3(b)** (with reg. 2(4)(5))

Textual Amendments

F242 Sch. 19 Pt. 1 entry repealed (31.3.2012) by Localism Act 2011 (c. 20), s. 237, **Sch. 25 Pt. 32**; S.I. 2012/628, **art. 4(d)**

F243 Words in Sch. 19 Pt. 1 substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 116**

F244 Sch. 19 Pt. 1 entry inserted (15.1.2012) by Localism Act 2011 (c. 20), ss. 222, 240(1)(l), **Sch. 22 para. 62**

F245 Sch. 19 Pt. 1 entry repealed (1.7.2012 at 00.02 a.m.) by Public Bodies Act 2011 (c. 24), s. 30(3), **Sch. 6** (with Sch. 6 Note 1); S.I. 2012/1662, **art. 2(2)(b)**

F246 Words in Sch. 19 Pt. 1 inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 85**; S.I. 2017/399, reg. 2, Sch. para. 38

F247 Words in Sch. 19 Pt. 1 inserted (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 5 para. 31**

F248 Words in Sch. 19 Pt. 1 omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 114**; S.I. 2015/841, art. 3(x)

F249 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 5**

F250 Words in Sch. 19 Pt. 1 omitted (31.3.2017) by virtue of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 3(a)** (with reg. 2(4)(5))

F251 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 3(b)** (with reg. 2(4)(5))

Other educational bodies

The governing body of an educational establishment maintained by an English local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The governing body of an institution in England within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).

The governing body of an institution in England within the higher education sector (within the meaning of section 91(5) of that Act).

[F252]…

[[F253]A local authority with respect to the pupil referral units it establishes and maintains by virtue of section 19 of the Education Act 1996.**]**

[[F254]The National Citizen Service Trust.**]**

[[F255]The Office for Students.**]**

[[F256]The proprietor of a City Technology College, a City College for Technology of the Arts, or an Academy.**]**

Textual Amendments

F252 Words in Sch. 19 Pt. 1 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 32**; S.I. 2018/241, reg. 2(s)

F253 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 6**

F254 Words in Sch. 19 Pt. 1 inserted (E.W.) (1.12.2018) by National Citizen Service Act 2017 (c. 15), s. 14(2), **Sch. 2 para. 4**; S.I. 2018/1239, reg. 2(h)

F255 Words in Sch. 19 Pt. 1 inserted (1.1.2018) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 1 para. 21**; S.I. 2017/788, reg. 2(b)

F256 Words in Sch. 19 Pt. 1 substituted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 4** (with reg. 2(4)(5))

Textual Amendments

F252 Words in Sch. 19 Pt. 1 omitted (1.4.2018) by virtue of Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 11 para. 32**; S.I. 2018/241, reg. 2(s)

F253 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 6**

F254 Words in Sch. 19 Pt. 1 inserted (E.W.) (1.12.2018) by National Citizen Service Act 2017 (c. 15), s. 14(2), **Sch. 2 para. 4**; S.I. 2018/1239, reg. 2(h)

F255 Words in Sch. 19 Pt. 1 inserted (1.1.2018) by Higher Education and Research Act 2017 (c. 29), s. 124(5), **Sch. 1 para. 21**; S.I. 2017/788, reg. 2(b)

F256 Words in Sch. 19 Pt. 1 substituted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 4** (with reg. 2(4)(5))

[[F257]*Parliamentary and devolved bodies*

Textual Amendments

F257 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 7**

The National Assembly for Wales Commission (Comisiwn Cynulliad Cenedlaethol Cymru).

The Parliamentary Commissioner for Administration, in respect of—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the Commissioner's functions set out in section 3(1) and (1A) of the Parliamentary Commissioner Act 1967; and

(b) the Commissioner's public procurement functions (as defined in section 155(3) of this Act).

The Scottish Parliamentary Corporate Body.**]**

[F258 Police]

Textual Amendments

F258 Sch. 19 Pt. 1 entries and related heading substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 8**

[F259 The British Transport Police Force.

A chief constable of a police force maintained under section 2 of the Police Act 1996.

The Chief Inspector of the UK Border Agency.

The Civil Nuclear Police Authority.

[F260 The College of Policing.**]**

The Commissioner of Police for the City of London.

The Commissioner of Police of the Metropolis.

The Common Council of the City of London in its capacity as a police authority.

[F261 The Director General of the Independent Office for Police Conduct.**]**

[F261 The Independent Office for Police Conduct.**]**

F262 ...

[F263 A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.

The Mayor's Office for Policing and Crime established under section 3 of that Act.

A Port Police Force established under an order made under section 14 of the Harbours Act 1964.

The Port Police Force established under Part 10 of the Port of London Act 1968.

A Port Police Force established under section 79 of the Harbours, Docks and Piers Clauses Act 1847.

F264 ...**]]**

Textual Amendments

F259 Sch. 19 Pt. 1 entries and related heading substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 8**

F260 Sch. 19 Pt. 1 entry inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 96** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(h)

F261 Sch. 19 Pt. 1 entries inserted (31.1.2017 for specified purposes; 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 72**; S.I. 2017/1249, reg. 2(2)(d)

F262 Sch. 19 Pt. 1 entry omitted (31.1.2017 for specified purposes; 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 72**; S.I. 2017/1249, reg. 2(2)(d)

F263 Sch. 19 Pt. 1 entries substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 98, **Sch. 16 para. 383**; S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)}

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F264 Sch. 19 Pt. 1 entry omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 183**; S.I. 2013/1682, art. 3(v)

Textual Amendments

F259 Sch. 19 Pt. 1 entries and related heading substituted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 8**

F260 Sch. 19 Pt. 1 entry inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 96** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(h)

F261 Sch. 19 Pt. 1 entries inserted (31.1.2017 for specified purposes; 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 72**; S.I. 2017/1249, reg. 2(2)(d)

F262 Sch. 19 Pt. 1 entry omitted (31.1.2017 for specified purposes; 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 72**; S.I. 2017/1249, reg. 2(2)(d)

F263 Sch. 19 Pt. 1 entries substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 98, **Sch. 16 para. 383**; S.I. 2011/3019, art. 3, {Sch. 1 para. (nnn)(iii)}

F264 Sch. 19 Pt. 1 entry omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 183**; S.I. 2013/1682, art. 3(v)

[F265 Regulators

Textual Amendments

F265 Sch. 19 Pt. 1 entries inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 2(1), **Sch. 1 para. 9**

F266 …

[F267 The Association of Chartered Certified Accountants, in respect of its public functions.**]**

F266 …

The Chartered Institute of Patent Attorneys, in respect of its public functions.

The Council for Licensed Conveyancers, in respect of its public functions.

[F268 The Disclosure and Barring Service.**]**

[F268 The Gambling Commission.**]**

[F268 The Gangmasters and Labour Abuse Authority.**]**

The General Chiropractic Council, in respect of its public functions.

The General Council of the Bar, in respect of its public functions.

The General Dental Council, in respect of its public functions.

The General Medical Council, in respect of its public functions.

[F268 The General Optical Council, in respect of its public functions.**]**

[F268 The General Osteopathic Council, in respect of its public functions.**]**

[F268 The General Pharmaceutical Council, in respect of its public functions.**]**

The Health and Safety Executive.

[F268 The Health and Care Professions Council, in respect of its public functions.**]**

[F269 The Office for Nuclear Regulation.**]**

[F268 The Independent Monitor appointed under section 119B of the Police Act 1997.**]**

The Insolvency Practitioners Association, in respect of its public functions.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The Institute of Chartered Accountants in England and Wales, in respect of its public functions.

The Institute of Legal Executives, in respect of its public functions.

The Institute of Trade Mark Attorneys, in respect of its public functions.

The Law Society of England and Wales, in respect of its public functions.

The Nursing and Midwifery Council, in respect of its public functions.

The Office of the Immigration Services Commissioner.

[[F268]The Pensions Regulator.**]**

[[F270]The Regulator of Social Housing.**]**

[[F268]The Security Industry Authority.**]**

[[F271]Social Work England.**]]**

Textual Amendments

F266 Words in Sch. 19 Pt. 1 omitted (31.3.2017) by virtue of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 5(a)** (with reg. 2(4)(5))

F267 Words in Sch. 19 Pt. 1 substituted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 5(b)** (with reg. 2(4)(5))

F268 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 5(c)** (with reg. 2(4)(5))

F269 Sch. 19 Pt. 1 entry inserted (10.3.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 102**; S.I. 2014/251, art. 3(f)(vi)

F270 Words in Sch. 19 Pt. 1 inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 42** (with Pt. 4)

F271 Words in Sch. 19 Pt. 1 inserted (E.) (23.7.2018) by The Social Workers Regulations 2018 (S.I. 2018/893), regs. 1(3), **40**

Textual Amendments

F266 Words in Sch. 19 Pt. 1 omitted (31.3.2017) by virtue of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 5(a)** (with reg. 2(4)(5))

F267 Words in Sch. 19 Pt. 1 substituted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 5(b)** (with reg. 2(4)(5))

F268 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 5(c)** (with reg. 2(4)(5))

F269 Sch. 19 Pt. 1 entry inserted (10.3.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 102**; S.I. 2014/251, art. 3(f)(vi)

F270 Words in Sch. 19 Pt. 1 inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 42** (with Pt. 4)

F271 Words in Sch. 19 Pt. 1 inserted (E.) (23.7.2018) by The Social Workers Regulations 2018 (S.I. 2018/893), regs. 1(3), **40**

[[F272]*Transport*

Textual Amendments

F272 Words in Sch. 19 Pt. 1 inserted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 6** (with reg. 2(4)(5))

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

High Speed Two (HS2) Limited.
Highways England Company Limited.
Network Rail Limited.**]**

PART 2

PUBLIC AUTHORITIES: RELEVANT WELSH AUTHORITIES

Welsh Assembly Government, etc.

The Welsh Ministers.
The First Minister for Wales.
The Counsel General to the Welsh Assembly Government.
A subsidiary of the Welsh Ministers (within the meaning given by section 134(4) of the Government of Wales Act 2006).

National Health Service

A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.
An NHS trust established under section 18 of that Act.
F273 . . . . . .
A Community Health Council in Wales.
[F274The Board of Community Health Councils in Wales or Bwrdd Cynghorau Iechyd Cymuned Cymru.**]**

Textual Amendments

F273 Sch. 19 Pt. 2 entry omitted (4.4.2011) by virtue of The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(c)

F274 Sch. 19 Pt. 2 entry inserted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(a)

Textual Amendments

F273 Sch. 19 Pt. 2 entry omitted (4.4.2011) by virtue of The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(c)

F274 Sch. 19 Pt. 2 entry inserted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(a)

Local government

[F275A county council or county borough council in Wales.**]**
F276 . . . . . .
A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.
F276 . . . . . .

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

A National Park authority established by an order under section 63 of the Environment Act 1995 for an area in Wales.

F276 . . . . . .

F276 . . . . . .

F276 . . . . . .

F276 . . . . . .

[[F277]A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004. **]**

Textual Amendments

F275 Sch. 19 Pt. 2 entry substituted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(b)

F276 Sch. 19 Pt. 2 entries omitted (4.4.2011) by virtue of The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(c)

F277 Words in Sch. 19 Pt. 2 (E.W.) inserted (6.9.2015 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 1 para. 7**

Textual Amendments

F275 Sch. 19 Pt. 2 entry substituted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(b)

F276 Sch. 19 Pt. 2 entries omitted (4.4.2011) by virtue of The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(c)

F277 Words in Sch. 19 Pt. 2 (E.W.) inserted (6.9.2015 for specified purposes) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), **Sch. 1 para. 7**

Other educational bodies

The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).

The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of that Act).

[[F278]The Higher Education Funding Council for Wales or Cyngor Cyllido Addysg Uwch Cymru.

The General Teaching Council for Wales or Cyngor Addysgu Cyffredinol Cymru.

Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.**]**

[[F279]Qualifications Wales.**]**

Textual Amendments

F278 Sch. 19 Pt. 2 entries inserted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(d)

F279 Words in Sch. 19 Pt. 2 inserted (E.W.) (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 1 para. 40**; S.I. 2015/1687, art. 2 (with arts. 3-12)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F278 Sch. 19 Pt. 2 entries inserted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(d)

F279 Words in Sch. 19 Pt. 2 inserted (E.W.) (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 1 para. 40**; S.I. 2015/1687, art. 2 (with arts. 3-12)

[F280 Other public authorities

Textual Amendments

F280 Sch. 19 Pt. 2 entries inserted (4.4.2011) by The Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011 (S.I. 2011/1063), **arts. 1(2)**, 2(d)

[F281 The Welsh Revenue Authority or Awdurdod Cyllid Cymru.**]**

The Auditor General for Wales or Archwilydd Cyffredinol Cymru.

The Public Services Ombudsman for Wales or Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

[F282 Social Care Wales or Gofal Cymdeithasol Cymru.**]**

The Arts Council for Wales or Cyngor Celfyddydau Cymru.

The National Museum of Wales or Amgueddfa Genedlaethol Cymru.

The National Library of Wales or Llyfrgell Genedlaethol Cymru.

The Sports Council for Wales or Cyngor Chwaraeon Cymru.

[F283 Comisiynydd y Gymraeg (The Welsh Language Commissioner).**]**

F284 . . . . . .

The Commissioner for Older People in Wales or Comisiynydd Pobl Hŷn Cymru.

The Children's Commissioner for Wales or Comisiynydd Plant Cymru.

[F285 The Wales Audit Office or Swyddfa Archwilio Cymru.**]]**

Textual Amendments

F281 Words in Sch. 19 Pt. 2 inserted (E.W.) (1.4.2018) by The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018 (S.I. 2018/285), regs. 1(2), **3**

F282 Sch. 19 Pt. 2 entry substituted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 8** (with reg. 2(4)(5), Sch. 3 para. 9)

F283 Sch. 19 Pt. 2 entry substituted (1.4.2012) by The Welsh Language (Wales) Measure 2011 (Transfer of functions, Transitional and Consequential Provisions) Order 2012 (S.I. 2012/990), **art. 11**

F284 Words in Sch. 19 Pt. 2 omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), arts. 1(2), 4(1), **Sch. 2 para. 450(2)** (with Sch. 7)

F285 Sch. 19 Pt. 2 entry inserted (E.W.) (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 92** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

Textual Amendments

F281 Words in Sch. 19 Pt. 2 inserted (E.W.) (1.4.2018) by The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018 (S.I. 2018/285), regs. 1(2), **3**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F282 Sch. 19 Pt. 2 entry substituted (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 3 para. 8** (with reg. 2(4)(5), Sch. 3 para. 9)

F283 Sch. 19 Pt. 2 entry substituted (1.4.2012) by The Welsh Language (Wales) Measure 2011 (Transfer of functions, Transitional and Consequential Provisions) Order 2012 (S.I. 2012/990), **art. 11**

F284 Words in Sch. 19 Pt. 2 omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), arts. 1(2), 4(1), **Sch. 2 para. 450(2)** (with Sch. 7)

F285 Sch. 19 Pt. 2 entry inserted (E.W.) (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 92** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)

PART 3

PUBLIC AUTHORITIES: RELEVANT SCOTTISH AUTHORITIES

Scottish Administration

An office-holder in the Scottish Administration (within the meaning given by section 126(7)(a) of the Scotland Act 1998).

National Health Service

A Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.

A Special Health Board constituted under that section.

Local government

A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

A community council established under section 51 of the Local Government (Scotland) Act 1973.

A joint board within the meaning of section 235(1) of that Act.

F286 . . . . . .

A licensing board established under section 5 of the Licensing (Scotland) Act 2005, or continued in being by virtue of that section.

A National Park authority established by a designation order made under section 6 of the National Parks (Scotland) Act 2000.

Scottish Enterprise and Highlands and Islands Enterprise, established under the Enterprise and New Towns (Scotland) Act 1990.

Textual Amendments

F286 Words in Sch. 19 Pt. 3 omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(a)**

Textual Amendments

F286 Words in Sch. 19 Pt. 3 omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(a)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Other educational bodies

An education authority in Scotland (within the meaning of section 135(1) of the Education (Scotland) Act 1980).

The managers of a grant-aided school (within the meaning of that section).

The board of management of a college of further education (within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992).

In the case of such a college of further education not under the management of a board of management, the board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

The governing body of an institution within the higher education sector (within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992).

[F287** Police and Fire**]

Textual Amendments

F287 Sch. 19 Pt. 3 heading substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(b)**

[[F288]The Scottish Police Authority.**]**

[[F289]The chief constable of the Police Service of Scotland.

The Scottish Fire and Rescue Service.

The Chief Officer of the Scottish Fire and Rescue Service.**]**

Textual Amendments

F288 Words in Sch. 19 Pt. 3 substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(c)**

F289 Words in Sch. 19 Pt. 3 inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(d)**

Textual Amendments

F288 Words in Sch. 19 Pt. 3 substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(c)**

F289 Words in Sch. 19 Pt. 3 inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(d)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F290 Other bodies and offices added on 6th April 2011

Textual Amendments

F290 Sch. 19 Pt. 3 entries inserted (S.) (6.4.2011) by The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2011 (S.S.I. 2011/233), **art. 2**

Accounts Commission for Scotland.
Audit Scotland.
Board of Trustees of the National Galleries of Scotland.
Board of Trustees of the National Museums of Scotland.
Board of Trustees of the Royal Botanic Garden, Edinburgh.
Bòrd na Gàidhlig.
F291 . . . . . .
A chief officer of a community justice authority.
F291 . . . . . .
Commissioner for Children and Young People in Scotland.
Commission for Ethical Standards in Public Life in Scotland.
The Common Services Agency for the Scottish Health Service.
A community justice authority.
Creative Scotland.
The Crofters Commission.
The General Teaching Council for Scotland.
Healthcare Improvement Scotland
Learning and Teaching Scotland.
The Mental Welfare Commission for Scotland.
The Police Complaints Commissioner for Scotland.
Quality Meat Scotland.
A regional Transport Partnership created by an order under section 1(1) of the Transport (Scotland) Act 2005.
Risk Management Authority.
Royal Commission on the Ancient and Historical Monuments of Scotland.
Scottish Children's Reporter Administration.
Scottish Commission for Human Rights.
The Scottish Criminal Cases Review Commission.
Scottish Environment Protection Agency.
Scottish Further and Higher Education Funding Council.
Scottish Futures Trust Ltd.
Scottish Information Commissioner.
The Scottish Legal Aid Board.
The Scottish Legal Complaints Commission.
Scottish Natural Heritage.
F291 . . . . . .
Scottish Public Services Ombudsman.
Scottish Qualifications Authority.
The Scottish Road Works Commissioner.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The Scottish Social Services Council.
The Scottish Sports Council.
Scottish Water.
Skills Development Scotland.
Social Care and Social Work Improvement Scotland.
The Standards Commission for Scotland.
[[F292]The National Library of Scotland**]**.
VisitScotland.
A Water Customer Consultation Panel.
The Water Industry Commission for Scotland.**]**

Textual Amendments

F291 Words in Sch. 19 Pt. 3 omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(e)**

F292 Words in Sch. 19 Pt. 3 substituted (S.) (28.6.2013) by The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2013 (S.S.I. 2013/170), arts. 1, **2**

Textual Amendments

F291 Words in Sch. 19 Pt. 3 omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), 26, **Sch. 2 para. 63(4)(e)**

F292 Words in Sch. 19 Pt. 3 substituted (S.) (28.6.2013) by The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2013 (S.S.I. 2013/170), arts. 1, **2**

[[F293]*Other bodies and offices added on 5th March 2012*

Textual Amendments

F293 Sch. 19 Pt. 3 entries inserted (S.) (5.3.2012) by The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2012 (S.S.I. 2012/55), **art. 2**

Children's Hearings Scotland.
The National Convener of Children's Hearings Scotland.**]**

[[F294]*Other bodies added on 1st April 2015*

Textual Amendments

F294 Words in Sch. 19 Pt. 3 inserted (S.) (1.4.2015) by The Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2015 (S.S.I. 2015/83), arts. 1, **2**

Historic Environment Scotland.
An integration joint board established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

A regional board (within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005).**]**

[[F295]Other body added on 28th June 2018

Textual Amendments

F295 Words in Sch. 19 Pt. 3 inserted (S.) (28.6.2018) by The ILF Scotland (Miscellaneous Listings) Order 2018 (S.S.I. 2018/214), arts. 1, **4(2)**

ILF Scotland.**]**

[[F296]PART 4

PUBLIC AUTHORITIES: CROSS-BORDER AUTHORITIES

Textual Amendments

F296 Sch. 19 Pt. 4 inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), art. 2(3), **Sch. 2**

Cross-border Welsh authorities

The Environment Agency – D
[[F297]The Natural Resources Body for Wales – A**]**
NHS Blood and Transplant – D
The NHS Business Services Authority – D
The Student Loans Company Limited – D**]**

Textual Amendments

F297 Words in Sch. 19 Pt. 4 inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), arts. 1(2), 4(1), **Sch. 2 para. 450(3)** (with Sch. 7)

Textual Amendments

F297 Words in Sch. 19 Pt. 4 inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), arts. 1(2), 4(1), **Sch. 2 para. 450(3)** (with Sch. 7)

[F298F298]SCHEDULE 20

Textual Amendments

F298 Sch. 20 repealed (31.12.2010) by Equality Act 2010 (c. 15), **ss. 186(2)**, 216 (with ss. 6(4), 205)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F298
. . . . . .

SCHEDULE 21

Section 189

REASONABLE ADJUSTMENTS: SUPPLEMENTARY

Preliminary

1 This Schedule applies for the purposes of Schedules 2, 4, 8, 13 and 15.

Binding obligations, etc.

2 (1) This paragraph applies if—
- (a) a binding obligation requires A to obtain the consent of another person to an alteration of premises which A occupies,
- (b) where A is a controller of let premises, a binding obligation requires A to obtain the consent of another person to a variation of a term of the tenancy, or
- (c) where A is a responsible person in relation to common parts, a binding obligation requires A to obtain the consent of another person to an alteration of the common parts.

(2) For the purpose of discharging a duty to make reasonable adjustments—
- (a) it is always reasonable for A to have to take steps to obtain the consent, but
- (b) it is never reasonable for A to have to make the alteration before the consent is obtained.

(3) In this Schedule, a binding obligation is a legally binding obligation in relation to premises, however arising; but the reference to a binding obligation in sub-paragraph (1)(a) or (c) does not include a reference to an obligation imposed by a tenancy.

(4) The steps referred to in sub-paragraph (2)(a) do not include applying to a court or tribunal.

Landlord's consent

3 (1) This paragraph applies if—
- (a) A occupies premises under a tenancy,
- (b) A is proposing to make an alteration to the premises so as to comply with a duty to make reasonable adjustments, and
- (c) but for this paragraph, A would not be entitled to make the alteration.

(2) This paragraph also applies if—
- (a) A is a responsible person in relation to common parts,
- (b) A is proposing to make an alteration to the common parts so as to comply with a duty to make reasonable adjustments,
- (c) A is the tenant of property which includes the common parts, and
- (d) but for this paragraph, A would not be entitled to make the alteration.

(3) The tenancy has effect as if it provided—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) for A to be entitled to make the alteration with the written consent of the landlord,
(b) for A to have to make a written application for that consent,
(c) for the landlord not to withhold the consent unreasonably, and
(d) for the landlord to be able to give the consent subject to reasonable conditions.

(4) If a question arises as to whether A has made the alteration (and, accordingly, complied with a duty to make reasonable adjustments), any constraint attributable to the tenancy must be ignored unless A has applied to the landlord in writing for consent to the alteration.

(5) For the purposes of sub-paragraph (1) or (2), A must be treated as not entitled to make the alteration if the tenancy—
(a) imposes conditions which are to apply if A makes an alteration, or
(b) entitles the landlord to attach conditions to a consent to the alteration.

Proceedings before county court or sheriff

4 (1) This paragraph applies if, in a case within Part 3, 4, 6 or 7 of this Act—
(a) A has applied in writing to the landlord for consent to the alteration, and
(b) the landlord has refused to give consent or has given consent subject to a condition.

(2) A (or a disabled person with an interest in the alteration being made) may refer the matter to **[**[F299]the county court**]** or, in Scotland, the sheriff.

(3) The county court or sheriff must determine whether the refusal or condition is unreasonable.

(4) If the county court or sheriff finds that the refusal or condition is unreasonable, the county court or sheriff—
(a) may make such declaration as it thinks appropriate;
(b) may make an order authorising A to make the alteration specified in the order (and requiring A to comply with such conditions as are so specified).

Textual Amendments

F299 Words in Sch. 21 para. 4(2) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Joining landlord as party to proceedings

5 (1) This paragraph applies to proceedings relating to a contravention of this Act by virtue of section 20.

(2) A party to the proceedings may request the employment tribunal, county court or sheriff ("the judicial authority") to direct that the landlord is joined or sisted as a party to the proceedings.

(3) The judicial authority—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) must grant the request if it is made before the hearing of the complaint or claim begins;
(b) may refuse the request if it is made after the hearing begins;
(c) must refuse the request if it is made after the complaint or claim has been determined.

(4) If the landlord is joined or sisted as a party to the proceedings, the judicial authority may determine whether—
(a) the landlord has refused to consent to the alteration;
(b) the landlord has consented subject to a condition;
(c) the refusal or condition was unreasonable.

(5) If the judicial authority finds that the refusal or condition was unreasonable, it—
(a) may make such declaration as it thinks appropriate;
(b) may make an order authorising A to make the alteration specified in the order (and requiring A to comply with such conditions as are so specified);
(c) may order the landlord to pay compensation to the complainant or claimant.

(6) An employment tribunal may act in reliance on sub-paragraph (5)(c) instead of, or in addition to, acting in reliance on section 124(2); but if it orders the landlord to pay compensation it must not do so in reliance on section 124(2).

(7) If **[**[F300]the county court**]** or the sheriff orders the landlord to pay compensation, it may not order A to do so.

Textual Amendments

F300 Words in Sch. 21 para. 5(7) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Regulations

6 (1) Regulations may make provision as to circumstances in which a landlord is taken for the purposes of this Schedule to have—
(a) withheld consent;
(b) withheld consent reasonably;
(c) withheld consent unreasonably.

(2) Regulations may make provision as to circumstances in which a condition subject to which a landlord gives consent is taken—
(a) to be reasonable;
(b) to be unreasonable.

(3) Regulations may make provision supplementing or modifying the preceding paragraphs of this Schedule, or provision made under this paragraph, in relation to a case where A's tenancy is a sub-tenancy.

(4) Provision made by virtue of this paragraph may amend the preceding paragraphs of this Schedule.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I148 Sch. 21 para. 6 wholly in force; para. 6 not in force at Royal Assent see s. 216; para. 6 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, **art. 2**, Sch.; Sch. 21 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, **art. 2(1)(13)(c)** (with art. 15)

Interpretation

7 An expression used in this Schedule and in Schedule 2, 4, 8, 13 or 15 has the same meaning in this Schedule as in that Schedule.

SCHEDULE 22

Section 191

STATUTORY PROVISIONS

Statutory authority

1 (1) A person (P) does not contravene a provision specified in the first column of the table, so far as relating to the protected characteristic specified in the second column in respect of that provision, if P does anything P must do pursuant to a requirement specified in the third column.

Specified provision	***Protected characteristic***	***Requirement***
Parts 3 to 7	Age	A requirement of an enactment
Parts 3 to 7 and 12	Disability	A requirement of an enactment
		A relevant requirement or condition imposed by virtue of an enactment
Parts 3 to 7	Religion or belief	A requirement of an enactment
		A relevant requirement or condition imposed by virtue of an enactment
Section 29(6) and Parts 6 and 7	Sex	A requirement of an enactment
Parts 3, 4, 6 and 7	Sexual orientation	A requirement of an enactment
		A relevant requirement or condition imposed by virtue of an enactment

(2) A reference in the table to Part 6 does not include a reference to that Part so far as relating to vocational training.

(3) In this paragraph a reference to an enactment includes a reference to—
(a) a Measure of the General Synod of the Church of England;
(b) an enactment passed or made on or after the date on which this Act is passed.

(4) In the table, a relevant requirement or condition is a requirement or condition imposed (whether before or after the passing of this Act) by—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a Minister of the Crown;
(b) a member of the Scottish Executive;
(c) the National Assembly for Wales (constituted by the Government of Wales Act 1998);
(d) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.

Commencement Information

I149 Sch. 22 para. 1 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

Protection of women

2 (1) A person (P) does not contravene a specified provision only by doing in relation to a woman (W) anything P is required to do to comply with—
(a) a pre-1975 Act enactment concerning the protection of women;
(b) a relevant statutory provision (within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974) if it is done for the purpose of the protection of W (or a description of women which includes W);
(c) a requirement of a provision specified in Schedule 1 to the Employment Act 1989 (provisions concerned with protection of women at work).

(2) The references to the protection of women are references to protecting women in relation to—
(a) pregnancy or maternity, or
(b) any other circumstances giving rise to risks specifically affecting women.

(3) It does not matter whether the protection is restricted to women.

(4) These are the specified provisions—
(a) Part 5 (work);
(b) Part 6 (education), so far as relating to vocational training.

(5) A pre-1975 Act enactment is an enactment contained in—
(a) an Act passed before the Sex Discrimination Act 1975;
(b) an instrument approved or made by or under such an Act (including one approved or made after the passing of the 1975 Act).

(6) If an Act repeals and re-enacts (with or without modification) a pre-1975 enactment then the provision re-enacted must be treated as being in a pre-1975 enactment.

(7) For the purposes of sub-paragraph (1)(c), a reference to a provision in Schedule 1 to the Employment Act 1989 includes a reference to a provision for the time being having effect in place of it.

(8) This paragraph applies only to the following protected characteristics—
(a) pregnancy and maternity;
(b) sex.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I150 Sch. 22 para. 2 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

Educational appointments, etc: religious belief

3 (1) A person does not contravene Part 5 (work) only by doing a relevant act in connection with the employment of another in a relevant position.

(2) A relevant position is—

(a) the head teacher or principal of an educational establishment;

(b) the head, a fellow or other member of the academic staff of a college, or institution in the nature of a college, in a university;

(c) a professorship of a university which is a canon professorship or one to which a canonry is annexed.

(3) A relevant act is anything it is necessary to do to comply with—

(a) a requirement of an instrument relating to the establishment that the head teacher or principal must be a member of a particular religious order;

(b) a requirement of an instrument relating to the college or institution that the holder of the position must be a woman;

(c) an Act or instrument in accordance with which the professorship is a canon professorship or one to which a canonry is annexed.

(4) Sub-paragraph (3)(b) does not apply to an instrument taking effect on or after 16 January 1990 (the day on which section 5(3) of the Employment Act 1989 came into force).

(5) A Minister of the Crown may by order provide that anything in sub-paragraphs (1) to (3) does not have effect in relation to—

(a) a specified educational establishment or university;

(b) a specified description of educational establishments.

(6) An educational establishment is—

(a) a school within the meaning of the Education Act 1996 or the Education (Scotland) Act 1980;

(b) a college, or institution in the nature of a college, in a university;

(c) an institution designated by order made, or having effect as if made, under section 129 of the Education Reform Act 1988;

[[F301](ca) a registered higher education provider of a description prescribed by regulations made for the purposes of section 39(1) of the Higher Education and Research Act 2017;**]**

(d) a college of further education within the meaning of section 36 of the Further and Higher Education (Scotland) Act 1992;

(e) a university in Scotland;

(f) an institution designated by order under section 28 of the Further and Higher Education Act 1992 or section 44 of the Further and Higher Education (Scotland) Act 1992.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) This paragraph does not affect paragraph 2 of Schedule 9.

Textual Amendments

F301 Sch. 22 para. 3(6)(ca) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **12**

Commencement Information

I151 Sch. 22 para. 3 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

4 A person does not contravene this Act only by doing anything which is permitted for the purposes of—

(a) section 58(6) or (7) of the School Standards and Framework Act 1998 (dismissal of teachers because of failure to give religious education efficiently);

(b) section 60(4) and (5) of that Act (religious considerations relating to certain appointments);

(c) section 124A of that Act (preference for certain teachers at independent schools of a religious character).

[[F302](d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character).**]**

Textual Amendments

F302 Sch. 22 para. 4(d) inserted (1.2.2012) by Education Act 2011 (c. 21), **s. 62(4)(c)**; S.I. 2012/84, **art. 3**

Commencement Information

I152 Sch. 22 para. 4 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

Crown employment, etc.

5 (1) A person does not contravene this Act—

(a) by making or continuing in force rules mentioned in sub-paragraph (2);

(b) by publishing, displaying or implementing such rules;

(c) by publishing the gist of such rules.

(2) The rules are rules restricting to persons of particular birth, nationality, descent or residence—

(a) employment in the service of the Crown;

(b) employment by a prescribed public body;

(c) holding a public office (within the meaning of section 50).

(3) The power to make regulations for the purpose of sub-paragraph (2)(b) is exercisable by the Minister for the Civil Service.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In this paragraph "public body" means a body (whether corporate or unincorporated) exercising public functions (within the meaning given by section 31(4)).

Commencement Information

I153 Sch. 22 para. 5 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

SCHEDULE 23

Section 196

GENERAL EXCEPTIONS

Acts authorised by statute or the executive

1 (1) This paragraph applies to anything done—

(a) in pursuance of an enactment;

(b) in pursuance of an instrument made by a member of the executive under an enactment;

(c) to comply with a requirement imposed (whether before or after the passing of this Act) by a member of the executive by virtue of an enactment;

(d) in pursuance of arrangements made (whether before or after the passing of this Act) by or with the approval of, or for the time being approved by, a Minister of the Crown;

(e) to comply with a condition imposed (whether before or after the passing of this Act) by a Minister of the Crown.

(2) A person does not contravene Part 3, 4, 5 or 6 by doing anything to which this paragraph applies which discriminates against another because of the other's nationality.

(3) A person (A) does not contravene Part 3, 4, 5 or 6 if, by doing anything to which this paragraph applies, A discriminates against another (B) by applying to B a provision, criterion or practice which relates to—

(a) B's place of ordinary residence;

(b) the length of time B has been present or resident in or outside the United Kingdom or an area within it.

Commencement Information

I154 Sch. 23 para. 1 wholly in force at 1.10.2012; Sch. 23 not in force at Royal Assent see s. 216; Sch. 23 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(e)** (with art. 15); Sch. 23 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(g)

Organisations relating to religion or belief

2 (1) This paragraph applies to an organisation the purpose of which is—

(a) to practise a religion or belief,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) to advance a religion or belief,
(c) to teach the practice or principles of a religion or belief,
(d) to enable persons of a religion or belief to receive any benefit, or to engage in any activity, within the framework of that religion or belief, or
(e) to foster or maintain good relations between persons of different religions or beliefs.

(2) This paragraph does not apply to an organisation whose sole or main purpose is commercial.

(3) The organisation does not contravene Part 3, 4 or 7, so far as relating to religion or belief or sexual orientation, only by restricting—
(a) membership of the organisation;
(b) participation in activities undertaken by the organisation or on its behalf or under its auspices;
(c) the provision of goods, facilities or services in the course of activities undertaken by the organisation or on its behalf or under its auspices;
(d) the use or disposal of premises owned or controlled by the organisation.

(4) A person does not contravene Part 3, 4 or 7, so far as relating to religion or belief or sexual orientation, only by doing anything mentioned in sub-paragraph (3) on behalf of or under the auspices of the organisation.

(5) A minister does not contravene Part 3, 4 or 7, so far as relating to religion or belief or sexual orientation, only by restricting—
(a) participation in activities carried on in the performance of the minister's functions in connection with or in respect of the organisation;
(b) the provision of goods, facilities or services in the course of activities carried on in the performance of the minister's functions in connection with or in respect of the organisation.

(6) Sub-paragraphs (3) to (5) permit a restriction relating to religion or belief only if it is imposed—
(a) because of the purpose of the organisation, or
(b) to avoid causing offence, on grounds of the religion or belief to which the organisation relates, to persons of that religion or belief.

(7) Sub-paragraphs (3) to (5) permit a restriction relating to sexual orientation only if it is imposed—
(a) because it is necessary to comply with the doctrine of the organisation, or
(b) to avoid conflict with strongly held convictions within sub-paragraph (9).

(8) In sub-paragraph (5), the reference to a minister is a reference to a minister of religion, or other person, who—
(a) performs functions in connection with a religion or belief to which the organisation relates, and
(b) holds an office or appointment in, or is accredited, approved or recognised for the purposes of the organisation.

(9) The strongly held convictions are—
(a) in the case of a religion, the strongly held religious convictions of a significant number of the religion's followers;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) in the case of a belief, the strongly held convictions relating to the belief of a significant number of the belief's followers.

[[F303](9A) An organisation does not contravene Part 3, 4 or 7 only by refusing to allow premises owned or controlled by the organisation to be used—

(a) to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex;

(b) to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(9B) A person (or a group of persons) does not contravene Part 3, 4 or 7 only by refusing to allow premises owned or controlled by the person (or the group) on behalf of an organisation to be used—

(a) to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex;

(b) to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(9C) An organisation does not contravene section 29 only by allowing an approved celebrant of the organisation to act as set out in sub-paragraph (1) or (2) of paragraph 25B of Schedule 3.

(9D) In sub-paragraphs (9A) to (9C), "approved celebrant", "relevant Scottish marriage" and "relevant Scottish civil partnership" have the same meaning as in paragraph 25B of Schedule 3.**]**

(10) This paragraph does not permit anything which is prohibited by section 29, so far as relating to sexual orientation, if it is done—

(a) on behalf of a public authority, and

(b) under the terms of a contract between the organisation and the public authority.

(11) In the application of this paragraph in relation to sexual orientation, sub-paragraph (1)(e) must be ignored.

(12) In the application of this paragraph in relation to sexual orientation, in sub-paragraph (3)(d), "disposal" does not include disposal of an interest in premises by way of sale if the interest being disposed of is—

(a) the entirety of the organisation's interest in the premises, or

(b) the entirety of the interest in respect of which the organisation has power of disposal.

(13) In this paragraph—

(a) "disposal" is to be construed in accordance with section 38;

(b) "public authority" has the meaning given in section 150(1).

Textual Amendments

F303 Sch. 23 para. 2(9A)-(9D) inserted (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 19(6)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I155 Sch. 23 para. 2 wholly in force at 1.10.2012; Sch. 23 not in force at Royal Assent see s. 216; Sch. 23 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(e)** (with art. 15); Sch. 23 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(g)

Communal accommodation

3 (1) A person does not contravene this Act, so far as relating to sex discrimination or gender reassignment discrimination, only because of anything done in relation to—
(a) the admission of persons to communal accommodation;
(b) the provision of a benefit, facility or service linked to the accommodation.

(2) Sub-paragraph (1)(a) does not apply unless the accommodation is managed in a way which is as fair as possible to both men and women.

(3) In applying sub-paragraph (1)(a), account must be taken of—
(a) whether and how far it is reasonable to expect that the accommodation should be altered or extended or that further accommodation should be provided, and
(b) the frequency of the demand or need for use of the accommodation by persons of one sex as compared with those of the other.

(4) In applying sub-paragraph (1)(a) in relation to gender reassignment, account must also be taken of whether and how far the conduct in question is a proportionate means of achieving a legitimate aim.

(5) Communal accommodation is residential accommodation which includes dormitories or other shared sleeping accommodation which for reasons of privacy should be used only by persons of the same sex.

(6) Communal accommodation may include—
(a) shared sleeping accommodation for men and for women;
(b) ordinary sleeping accommodation;
(c) residential accommodation all or part of which should be used only by persons of the same sex because of the nature of the sanitary facilities serving the accommodation.

(7) A benefit, facility or service is linked to communal accommodation if—
(a) it cannot properly and effectively be provided except for those using the accommodation, and
(b) a person could be refused use of the accommodation in reliance on sub-paragraph (1)(a).

(8) This paragraph does not apply for the purposes of Part 5 (work) unless such arrangements as are reasonably practicable are made to compensate for—
(a) in a case where sub-paragraph (1)(a) applies, the refusal of use of the accommodation;
(b) in a case where sub-paragraph (1)(b) applies, the refusal of provision of the benefit, facility or service.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I156 Sch. 23 para. 3 wholly in force at 1.10.2012; Sch. 23 not in force at Royal Assent see s. 216; Sch. 23 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(e)** (with art. 15); Sch. 23 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(g)

Training provided to non-EEA residents, etc.

4 (1) A person (A) does not contravene this Act, so far as relating to nationality, only by providing a non-resident (B) with training, if A thinks that B does not intend to exercise in Great Britain skills B obtains as a result.

(2) A non-resident is a person who is not ordinarily resident in an EEA state.

(3) The reference to providing B with training is—

(a) if A employs B in relevant employment, a reference to doing anything in or in connection with the employment;

(b) if A as a principal allows B to do relevant contract work, a reference to doing anything in or in connection with allowing B to do the work;

(c) in a case within paragraph (a) or (b) or any other case, a reference to affording B access to facilities for education or training or ancillary benefits.

(4) Employment or contract work is relevant if its sole or main purpose is the provision of training in skills.

(5) In the case of training provided by the armed forces or Secretary of State for purposes relating to defence, sub-paragraph (1) has effect as if—

(a) the reference in sub-paragraph (2) to an EEA state were a reference to Great Britain, and

(b) in sub-paragraph (4), for "its sole or main purpose is" there were substituted " it is for purposes including ".

(6) "Contract work" and "principal" each have the meaning given in section 41.

Commencement Information

I157 Sch. 23 para. 4 wholly in force at 1.10.2012; Sch. 23 not in force at Royal Assent see s. 216; Sch. 23 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(e)** (with art. 15); Sch. 23 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(g)

SCHEDULE 24

Section 203

HARMONISATION: EXCEPTIONS

Part 1 (public sector duty regarding socio-economic inequalities)
Chapter 2 of Part 5 (occupational pensions)
Section 78 (gender pay gap)
Section 106 (election candidates: diversity information)
Chapters 1 to 3 and 5 of Part 9 (enforcement), except section 136
Sections 142 and 146 (unenforceable terms, declaration in respect of void terms)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Chapter 1 of Part 11 (public sector equality duty)
Part 12 (disabled persons: transport)
Part 13 (disability: miscellaneous)
Section 197 (power to specify age exceptions)
Part 15 (family property)
Part 16 (general and miscellaneous)
Schedule 1 (disability: supplementary provision)
In Schedule 3 (services and public functions: exceptions)—

(a) in Part 3 (health and care), paragraphs 13 and 14;
(b) Part 4 (immigration);
(c) Part 5 (insurance);
(d) Part 6 (marriage);
(e) Part 7 (separate and single services), except paragraph 30;
(f) Part 8 (television, radio and on-line broadcasting and distribution);
(g) Part 9 (transport);
(h) Part 10 (supplementary)

Schedule 4 (premises: reasonable adjustments)
Schedule 5 (premises: exceptions), except paragraph 1
Schedule 6 (office-holders: excluded offices), except so far as relating to colour or nationality or marriage and civil partnership
Schedule 8 (work: reasonable adjustments)
In Schedule 9 (work: exceptions)—

(a) Part 1 (general), except so far as relating to colour or nationality;
(b) Part 2 (exceptions relating to age);
(c) Part 3 (other exceptions), except paragraph 19 so far as relating to colour or nationality

Schedule 10 (education: accessibility for disabled pupils)
Schedule 13 (education: reasonable adjustments), except paragraphs 2, 5, 6 and 9
Schedule 17 (education: disabled pupils: enforcement)
Schedule 18 (public sector equality duty: exceptions)
Schedule 19 (list of public authorities)
Schedule 20 (rail vehicle accessibility: compliance)
Schedule 21 (reasonable adjustments: supplementary)
In Schedule 22 (exceptions: statutory provisions), paragraphs 2 and 5
Schedule 23 (general exceptions), except paragraph 2
Schedule 25 (information society services)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 25

Section 206

INFORMATION SOCIETY SERVICES

Service providers

1 (1) This paragraph applies where a person concerned with the provision of an information society service (an "information society service provider") is established in Great Britain.

(2) This Act applies to anything done by the person in an EEA state (other than the United Kingdom) in providing the service as this Act would apply if the act in question were done by the person in Great Britain.

2 (1) This paragraph applies where an information society service provider is established in an EEA state (other than the United Kingdom).

(2) This Act does not apply to anything done by the person in providing the service.

Exceptions for mere conduits

3 (1) An information society service provider does not contravene this Act only by providing so much of an information society service as consists in—

(a) the provision of access to a communication network, or

(b) the transmission in a communication network of information provided by the recipient of the service.

(2) But sub-paragraph (1) applies only if the service provider does not—

(a) initiate the transmission,

(b) select the recipient of the transmission, or

(c) select or modify the information contained in the transmission.

(3) For the purposes of sub-paragraph (1), the provision of access to a communication network, and the transmission of information in a communication network, includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

4 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The information society service provider does not contravene this Act only by doing anything in connection with the automatic, intermediate and temporary storage of information so provided if—

(a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and

(b) the condition in sub-paragraph (3) is satisfied.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The condition is that the service-provider—

(a) does not modify the information,

(b) complies with such conditions as are attached to having access to the information, and

(c) (where sub-paragraph (4) applies) expeditiously removes the information or disables access to it.

(4) This sub-paragraph applies if the service-provider obtains actual knowledge that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has required the removal from the network of, or the disablement of access to, the information.

Exception for hosting

5 (1) An information society service provider does not contravene this Act only by doing anything in providing so much of an information society service as consists in the storage of information provided by a recipient of the service, if—

(a) the service provider had no actual knowledge when the information was provided that its provision amounted to a contravention of this Act, or

(b) on obtaining actual knowledge that the provision of the information amounted to a contravention of that section, the service provider expeditiously removed the information or disabled access to it.

(2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority of the control of the service provider.

Monitoring obligations

6 An injunction or interdict under Part 1 of the Equality Act 2006 may not impose on a person concerned with the provision of a service of a description given in paragraph 3(1), 4(1) or 5(1)—

(a) a liability the imposition of which would contravene Article 12, 13 or 14 of the E-Commerce Directive;

(b) a general obligation of the description given in Article 15 of that Directive.

Interpretation

7 (1) This paragraph applies for the purposes of this Schedule.

(2) "Information society service"—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive as covering "any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) "The E-Commerce Directive" means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

(4) "Recipient" means a person who (whether for professional purposes or not) uses an information society service, in particular for seeking information or making it accessible.

(5) An information society service-provider is "established" in a country or territory if the service-provider—

(a) effectively pursues an economic activity using a fixed establishment in that country or territory for an indefinite period, and

(b) is a national of an EEA state or a body mentioned in **[**[F304]Article 54 of the Treaty on the Functioning of the European Union**]** .

(6) The presence or use in a particular place of equipment or other technical means of providing an information society service is not itself sufficient to constitute the establishment of a service-provider.

(7) Where it cannot be decided from which of a number of establishments an information society service is provided, the service is to be regarded as provided from the establishment at the centre of the information society service provider's activities relating to that service.

(8) Section 212(4) does not apply to references to providing a service.

Textual Amendments

F304 Words in Sch. 25 para. 7(5)(b) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 3(1), **Sch. Pt.1** (with art. 2(2))

SCHEDULE 26

Section 211

AMENDMENTS

[[F305]**PART 1**

ACTS OF PARLIAMENT

Textual Amendments

F305 Sch. 26: Pt. 1 heading and paras. 1-8 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 2**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Disabled Persons (Employment) Act 1944

1 In section 15 of the Disabled Persons (Employment) Act 1944 (provision of employment for seriously disabled persons), in subsection (5A), for "the Disability Discrimination Act 1995" substitute " the Equality Act 2010 ".

Teaching Council (Scotland) Act 1965

2 In section 1(3) of the Teaching Council (Scotland) Act 1965, for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

Employment and Training Act 1973

3 In section 12(1) of the Employment and Training Act 1973 (duty of Secretary of State to give preference to ex-service men and women when exercising power to select disabled persons for employment, training, etc.), for "has the same meaning as in the Disability Discrimination Act 1995" substitute " has the same meaning as in the Equality Act 2010 ".

Estate Agents Act 1979

4 The Estate Agents Act 1979 is amended as follows.

5 In section 5(3) (supplementary provisions about prohibition and warning orders)—

(a) for "section 62 of the Sex Discrimination Act 1975, section 53 of the Race Relations Act 1976" substitute " section 113 of the Equality Act 2010 (proceedings) "; and

(b) omit "those Acts and".

6 (1) Schedule 1 (provisions supplementary to section 3(1)) is amended as follows.

(2) For paragraph 2 substitute—

"2 (1) A person commits discrimination for the purposes of section 3(1)(b) in the following cases only.

(2) The first case is where—

(a) the person has been found to have contravened a relevant equality provision, and

(b) no appeal against the finding is pending or can be brought.

(3) The second case is where—

(a) the person has been given an unlawful act notice under section 21 of the Equality Act 2006,

(b) the notice specifies a relevant equality provision as the provision by virtue of which the act in question is unlawful, and

(c) no appeal against the giving of the notice is pending or can be brought.

(4) The third case is where—

(a) the person is the subject of an injunction, interdict or order under section 24 of the Equality Act 2006 (unlawful acts), and

(b) the unlawful act in question is a contravention of a relevant equality provision.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The relevant equality provisions are—

(a) Parts 3 and 4 of the Equality Act 2010 (services and premises) so far as relating to discrimination and victimisation, and

(b) section 112 of that Act (aiding contraventions) in relation to either of those Parts of that Act so far as relating to discrimination and victimisation."

(3) In paragraph 3 for "discrimination" substitute " a contravention of a relevant equality provision ".

(4) For paragraph 4 substitute—

"4 For the purposes of paragraphs 2 and 3 "discrimination" and "victimisation" have the same meaning as in the Equality Act 2010.".

Civic Government (Scotland) Act 1982

7 (1) Section 20 of the Civic Government (Scotland) Act 1982 (regulations relating to taxis and private hire cars and their drivers) is amended as follows.

(2) In subsection (2A) for "section 1(2) of the Disability Discrimination Act 1995" substitute " section 6 of the Equality Act 2010 ".

(3) In subsection (2AA) for "section 1(2) of the Disability Discrimination Act 1995 (c.50)" substitute " section 6 of the Equality Act 2010 ".

Housing (Scotland) Act 1987

8 In section 338(1) of the Housing (Scotland) Act 1987 (interpretation) in the definition of "disabled person" for "Disability Discrimination Act 1995 (c.50)," substitute " Equality Act 2010, ".**]**

Local Government Act 1988

[[F306]9**]** Part 2 of the Local Government Act 1988 (public supply or works contracts) is amended as follows.

Textual Amendments

F306 Sch. 26 para. 1 renumbered (1.10.2010) as para. 9 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(a)**

[[F307]10**]** In section 17 (local and other public authority contracts: exclusion of non-commercial considerations)—

(a) omit subsection (9), and

(b) after that subsection insert—

"(10) This section does not prevent a public authority to which it applies from exercising any function regulated by this section with reference to a non-commercial matter to the extent that the authority considers it necessary or expedient to do so to enable or facilitate compliance with—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) the duty imposed on it by section 149 of the Equality Act 2010 (public sector equality duty), or

(b) any duty imposed on it by regulations under section 153 or 154 of that Act (powers to impose specific duties)."

Textual Amendments

F307 Sch. 26 para. 2 renumbered (1.10.2010) as para. 10 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(a)**

[F308 11] Omit section 18 (exceptions to section 17 relating to race relations matters).

Textual Amendments

F308 Sch. 26 para. 3 renumbered (1.10.2010) as para. 11 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(a)**

[F309 12] In section 19 (provisions supplementary to or consequential on section 17) omit subsection (10).

Textual Amendments

F309 Sch. 26 para. 4 renumbered (1.10.2010) as para. 12 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(a)**

Employment Act 1989

[F310 13 The Employment Act 1989 is amended as follows.

Textual Amendments

F310 Sch. 26 paras. 13, 14 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 3**

14 In section 8 (exemption for discrimination in favour of lone parents in connection with training), in subsection (2), for the words from "for the purposes of the 1975 Act" to the end substitute "for the purposes of the Equality Act 2010 as giving rise to any contravention of Part 5 of that Act, so far as relating to marriage and civil partnership discrimination (within the meaning of that Act).]

Textual Amendments

F310 Sch. 26 paras. 13, 14 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 3**

[F311 15[(1) Section 12 F312. . . (Sikhs: requirements as to safety helmets) is amended as follows.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In subsection (1), for "requirement or condition", in the first three places, substitute " provision, criterion or practice ".

(3) In that subsection, for the words from "section 1(1)(b)" to the end substitute " section 19 of the Equality Act 2010 (indirect discrimination), the provision, criterion or practice is to be taken as one in relation to which the condition in subsection (2)(d) of that section (proportionate means of achieving a legitimate aim) is satisfied ".

(4) In subsection (2), for the words from "the Race Relations Act" to the end substitute " section 13 of the Equality Act 2010 as giving rise to discrimination against any other person ".

Textual Amendments

F311 Sch. 26 para. 5 renumbered (1.10.2010) as para. 15 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(b)**

F312 Words in Sch. 26 para. 15 omittted (1.10.2010) by virtue of The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 4**

[[F313]16 In section 28 (orders etc.), omit subsections (2), (3) and (4)(a).

Textual Amendments

F313 Sch. 26 paras. 16-60 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 5**

17 In section 29(1) (interpretation), omit the definition of "the 1975 Act".**]**

Textual Amendments

F313 Sch. 26 paras. 16-60 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 5**

Local Government and Housing Act 1989

18 In section 7(2) of the Local Government and Housing Act 1989 (requirement for appointments to be on merit to be subject to discrimination law)—

(a) omit paragraphs (c), (d) and (f), and

(b) at the end insert—

"(g) sections 39, 40 and 49 to 51 of the Equality Act 2010 (employees and office-holders), so far as relating to disability, and Schedule 8 to that Act (reasonable adjustments for disabled persons) so far as it applies in relation to sections 39 and 49 to 51 of that Act;

(h) paragraph 1 of Schedule 9 to that Act (occupational requirements), so far as relating to sex, pregnancy and maternity, marriage and civil partnership, gender reassignment or race.".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Enterprise and New Towns (Scotland) Act 1990

19 The Enterprise and New Towns (Scotland) Act 1990 is amended as follows.

20 In section 2(4)(a) (functions in relation to training for employment etc.) for "section 3(1) of the Race Relations Act 1976" substitute " section 9 of the Equality Act 2010 ".

21 In section 16(2) (courses of training etc.: duty to give preference to certain categories) for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

22 For section 17 (encouragement of women, members of minority racial groups and disabled persons to take advantage of opportunities for certain work etc) substitute—

"**17 Encouragement of women, members of ethnic minorities and disabled persons to take up certain employment opportunities and training**

"**17** "**17 Encouragement of women, members of ethnic minorities and disabled persons to take up certain employment opportunities and training**

(1) Scottish Enterprise and Highlands and Islands Enterprise shall each, in exercising its functions, promote such actings by any employer as are lawful by virtue of section 158 of the Equality Act 2010 (the "2010 Act") (positive action: general) in relation to—
  (a) affording access to facilities for training, and
  (b) encouraging persons to take advantage of opportunities for taking up that employer's work.

(2) This section applies to the protected characteristics of sex, race and disability within the meaning of the 2010 Act.

(3) This section is without prejudice to paragraph (a) of section 2(4) of this Act or to any provision of the 2010 Act prohibiting discrimination within the meaning of that Act.".

Further and Higher Education Act 1992

23 In section 62(7B) of the Further and Higher Education Act 1992 (higher education funding councils) for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

Trade Union and Labour Relations (Consolidation) Act 1992

24 (1) Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992 (tribunal jurisdictions where failure by employer or employee to comply with applicable code of practice may affect the level of damages) is amended as follows.

(2) Omit the entries relating to—
  (a) the Equal Pay Act 1970;
  (b) the Sex Discrimination Act 1975;
  (c) the Race Relations Act 1976;
  (d) the Disability Discrimination Act 1995;

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(e) the Employment Equality (Sexual Orientation) Regulations 2003;
(f) the Employment Equality (Religion or Belief) Regulations 2003;
(g) the Employment Equality (Age) Regulations 2006.

(3) At the end of the entries relating to provisions of Acts, insert—

"Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)"

Trade Union Reform and Employment Rights Act 1993

25 In section 39(2) of the Trade Union Reform and Employment Rights Act 1993 (agreements not to take proceedings before employment tribunal) omit "the Sex Discrimination Act 1975, the Race Relations Act 1976, and".

26 In Schedule 6 (compromise contracts) omit paragraphs 1 and 2.

Employment Tribunals Act 1996

27 The Employment Tribunals Act 1996 is amended as follows.

28 In section 5(2)(c) (remuneration, fees and allowances) for "2A(1)(b) of the Equal Pay Act 1970" substitute " 131(2) of the Equality Act 2010 ".

29 In section 7(3)(h) (employment tribunal procedure regulations) for "2A(1)(b) of the Equal Pay Act 1970" substitute " 131(2) of the Equality Act 2010 ".

30 In section 12(1) (restriction of publicity in disability cases) for "section 17A or 25(8) of the Disability Discrimination Act 1995" substitute " section 120 of the Equality Act 2010, where the complaint relates to disability ".

31 In section 18(1) (tribunal proceedings to which conciliation provisions apply)—
(a) for paragraph (a) substitute—
"(a) under section 120 or 127 of the Equality Act 2010,", and
(b) omit paragraphs (c), (k), (l) and (r).

32 In section 21(1) (Jurisdiction of appeal tribunal)—
(a) omit paragraphs (a), (b), (c), (e),(l), (m) and (s); and.
(b) at the end of the entries relating to provisions in Acts, insert—
"(ge) the Equality Act 2010,".

Employment Rights Act 1996

33 (1) Section 126 of the Employment Rights Act 1996 (acts which are both unfair dismissal and discrimination) is amended as follows.

(2) In subsection (1) for paragraph (b) substitute—
"(b) the Equality Act 2010.".

(3) In subsection (2)—
(a) for "any one of those Acts or Regulations" substitute " either of those Acts ", and
(b) for "any other of them" substitute " the other ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Housing Grants, Construction and Regeneration Act 1996

34 In section 126 of the Housing Grants, Construction and Regeneration Act 1996 (Secretary of State's power to give financial assistance etc), in subsection (3), in the definition of "racial group", for "the Race Relations Act 1976" substitute " section 9 of the Equality Act 2010 ".

Education Act 1996

35 The Education Act 1996 is amended as follows.

36 (1) Section 317 of the Education Act 1996 (duties of governing bodies etc in relation to pupils with special educational needs) is amended as follows.

(2) In subsection (6)(b)(iv) for "section 28D of the Disability Discrimination Act 1995 ("the 1995 Act")" substitute " paragraph 3 of Schedule 10 to the Equality Act 2010 ("the 2010 Act") ".

(3) For subsection (6A) substitute—

"(6A) In subsection (6)(b) "disabled person" means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.".

37 In section 336(4A) (tribunal procedure) for "claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995" substitute " claim in relation to a contravention of Chapter 1 of Part 6 of the Equality Act 2010 so far as relating to disability. ".

38 In section 509AC(5)(interpretation etc), in the definition of "disabled person", for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

39 Omit section 583(5) (commencement etc: transitory provision relating to the Disability Discrimination Act 1995).

40 In Schedule 35B (meaning of eligible child etc), paragraph 15(4), for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

41 In Schedule 35C (school travel schemes), paragraph 14, in the definition of "disabled child", for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

42 (1) In Schedule 36A (education functions of local authorities) the table is amended as follows.

(2) Omit the entries relating to the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.

(3) Insert at the end—

"Equality Act 2010 (c. 15)	
Section 29(7) in its application to a local authority's functions under the Education Acts	Duty to make reasonable adjustments for disabled persons.
Section 85(6)	Duty (as responsible body) to make reasonable adjustments for disabled pupils.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Section 92(6)	Duty (as responsible body) to make reasonable adjustments for disabled persons in further and higher education.
Section 93(6)	Duty (as responsible body) to make reasonable adjustments for disabled persons in the provision of recreational or training facilities.
paragraph 1 of Schedule 10	Duty to prepare and implement accessibility strategy.
paragraph 3 of Schedule 10	Duty (as responsible body) to prepare and implement an accessibility plan.”

Teaching and Higher Education Act 1998

43 In section 1(4) of the Teaching and Higher Education Act 1998 (the General Teaching Council for England) for “Disability Discrimination Act 1995” substitute “ Equality Act 2010 ”.

School Standards and Framework Act 1998

44 The School Standards and Framework Act 1998 is amended as follows.

45 In Schedule 5, in paragraph 6 (adjudicators, procedure) for subparagraphs (a) to (c) substitute—

“(a) section 71 of the Race Relations Act 1976, or

(b) Parts 3 and 6 of the Equality Act 2010,”.

46 (1) In Schedule 6, Part 5 (procedures for making transitional exemption orders in Wales) paragraph 22(4) is amended as follows.

(2) For the definition of “the 1975 Act” substitute—

““the 2010 Act” means the Equality Act 2010,”.

(3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “ section 85 of the 2010 Act ”.

(4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.

(5) For “section 27(1) of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.

47 (1) In Schedule 7, in Part 6 (transitional exemption orders, interpretation) paragraph 16(6) is amended as follows.

(2) For the definition of the 1975 Act substitute—

““the 2010 Act” means the Equality Act 2010,”

(3) In the definition of “the responsible body” for “section 22 of the 1975 Act” substitute “ section 85 of the 2010 Act ”.

(4) In the definition of “transitional exemption order” for “section 27 of the 1975 Act” substitute “ paragraph 3 of Schedule 11 to the 2010 Act ”.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) For "section 27(1) of the 1975 Act" substitute " paragraph 3 of Schedule 11 to the 2010 Act ".

Transport Act 2000

48 In section 112(2) of the Transport Act 2000 (plans and strategies: supplementary) for "Disability Discrimination Act 1995" substitute " Equality Act 2010 ".

Employment Act 2002

49 (1) Schedule 5 to the Employment Act 2002 (tribunal jurisdiction) is amended as follows.

(2) Omit the entries relating to—

(a) the Equal Pay Act 1970;
(b) the Sex Discrimination Act 1975;
(c) the Race Relations Act 1976;
(d) the Disability Discrimination Act 1995;
(e) the Employment Equality (Sexual Orientation) Regulations 2003;
(f) the Employment Equality (Religion or Belief) Regulations 2003;
(g) the Employment Equality (Age) Regulations 2006.

(3) At the end of the entries relating to provisions of Acts, insert—

"Sections 120 and 127 of the Equality Act 2010 (discrimination etc in work cases)".

Income Tax (Earnings and Pensions) Act 2003

50 The Income Tax (Earnings and Pensions) Act 2003 is amended as follows.

51 In section 439(4) (chargeable events) after "within the meaning of" insert " the Equality Act 2010 in England and Wales and Scotland, or ".

52 In section 477(5) (chargeable events) after "within the meaning of" insert " the Equality Act 2010 in England and Wales and Scotland, or ".

Communications Act 2003

53 The Communications Act 2003 is amended as follows.

54 In section 27(5) (training and equality of opportunity)—

(a) in the definition of "disabled" after "meaning as in" insert " the Equality Act 2010 or, in Northern Ireland, ", and
(b) in the definition of "racial group" for "Race Relations Act 1976 (c 74)" substitute " Equality Act 2010 ".

55 In section 337(9) (promotion of equal opportunities and training)—

(a) in the definition of "disabled" after "meaning as in" insert " the Equality Act 2010 or, in Northern Ireland, ", and
(b) in the definition of "racial group" for "Race Relations Act 1976 (c 74)" substitute " Equality Act 2010 ".

56 In Schedule 12, in paragraph 23(6) (obligations of the Welsh Authority in relation to equality of opportunity)—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in the definition of "disability" after "meaning as in" insert " the Equality Act 2010 or, in Northern Ireland, ", and

(b) in the definition of "racial group" for "Race Relations Act 1976 (c 74)" substitute " the Equality Act 2010 ".

Finance Act 2004

57 The Finance Act 2004 is amended as follows.

58 In section 172A(5)(db) (surrender of pension benefits etc) for—

(a) "the Employment Equality (Age) Regulations 2006 or" substitute " Part 5 of the Equality Act 2010, so far as relating to age, or the ", and

(b) for "them" substitute " those Regulations. ".

59 In paragraphs 11D(2A) and (2B)(b), 12(2C)(d) and 14(3A) and (3D)(a) of Schedule 36 (pension schemes etc: transitional provisions and savings)—

(a) for "the Employment Equality (Age) Regulations 2006, or" substitute " Part 5 of the Equality Act 2010, so far as relating to age, or the ", and

(b) for "them" substitute " those Regulations. ".

Serious Organised Crime and Police Act 2005

60 Section 56 of the Serious Organised Crime and Police Act 2005 (the title to which becomes "Application of discrimination legislation to SOCA seconded staff: Northern Ireland") is amended as follows—

(a) in subsection (2), omit paragraphs (a) and (b); and

(b) in subsection (4), omit paragraphs (a), (b), (g) and (h) and the "and" preceding each of paragraphs (g) and (h).

Equality Act 2006

[F314 61] The Equality Act 2006 is amended as follows.

Textual Amendments

F314 Sch. 26 para. 6 renumbered (1.10.2010) as para. 61 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F315 62 [(1) Section 8 (equality and diversity) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (d) for "equality enactments" substitute " Equality Act 2010 ", and

(b) in paragraph (e) for "the equality enactments" substitute " that Act ".

(3) In subsection (4) for "Disability Discrimination Act 1995 (c. 50)" substitute " Equality Act 2010 ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F315 Sch. 26 para. 7 renumbered (1.10.2010) as para. 62 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F316 63] In section 10(2) (meaning of group) for paragraph (d) substitute—

"(d) gender reassignment (within the meaning of section 7 of the Equality Act 2010),".

Textual Amendments

F316 Sch. 26 para. 8 renumbered (1.10.2010) as para. 63 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F317 64] For section 11(3)(c) (interpretation) substitute—

"(c) a reference to the equality and human rights enactments is a reference to the Human Rights Act 1998, this Act and the Equality Act 2010."

Textual Amendments

F317 Sch. 26 para. 9 renumbered (1.10.2010) as para. 64 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F318 65 (1) Section 14 (codes of practice) is amended as follows.

(2) For subsection (1) substitute—

"(1) The Commission may issue a code of practice in connection with any matter addressed by the Equality Act 2010."

(3) In subsection (2)(a) for "a provision or enactment listed in subsection (1)" substitute " the Equality Act 2010 or an enactment made under that Act ".

(4) In subsection (3)—

(a) in paragraph (a) for "section 49G(7) of the Disability Discrimination Act 1995 (c. 50)" substitute " section 190(7) of the Equality Act 2010 ", and

(b) for paragraph (c)(iv) substitute—

"(iv) section 190 of the Equality Act 2010."

(5) In subsection (5)(a) for "listed in subsection (1)" substitute " a matter addressed by the Equality Act 2010 ".

(6) In subsection (9) for "section 76A" to "duties)" substitute " section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty) ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F318 Sch. 26 para. 10 renumbered (1.10.2010) as para. 65 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F319 66] In section 16(4) (inquiries: matters which the Commission may consider and report on) for "equality enactments" substitute " Equality Act 2010 ".

Textual Amendments

F319 Sch. 26 para. 11 renumbered (1.10.2010) as para. 66 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F320 67] In section 21(2)(b) (unlawful act notice: specification of legislative provision) for "equality enactments" substitute " Equality Act 2010 ".

Textual Amendments

F320 Sch. 26 para. 12 renumbered (1.10.2010) as para. 67 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F321 68] After section 24 insert—

"**24A Enforcement powers: supplemental**

"**24A "24A Enforcement powers: supplemental**

(1) This section has effect in relation to—

(a) an act which is unlawful because, by virtue of any of sections 13 to 18 of the Equality Act 2010, it amounts to a contravention of any of Parts 3, 4, 5, 6 or 7 of that Act,

(b) an act which is unlawful because it amounts to a contravention of section 60(1) of that Act (or to a contravention of section 111 or 112 of that Act that relates to a contravention of section 60(1) of that Act) (enquiries about disability and health),

(c) an act which is unlawful because it amounts to a contravention of section 106 of that Act (information about diversity in range of election candidates etc.),

(d) an act which is unlawful because, by virtue of section 108(1) of that Act, it amounts to a contravention of any of Parts 3, 4, 5, 6 or 7 of that Act, or

(e) the application of a provision, criterion or practice which, by virtue of section 19 of that Act, amounts to a contravention of that Act.

(2) For the purposes of sections 20 to 24 of this Act, it is immaterial whether the Commission knows or suspects that a person has been or may be affected by the unlawful act or application.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) For those purposes, an unlawful act includes making arrangements to act in a particular way which would, if applied to an individual, amount to a contravention mentioned in subsection (1)(a).

(4) Nothing in this Act affects the entitlement of a person to bring proceedings under the Equality Act 2010 in respect of a contravention mentioned in subsection (1)."

Textual Amendments

F321 Sch. 26 para. 13 renumbered (1.10.2010) as para. 68 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F322 69] Omit section 25 (restraint of unlawful advertising etc.).

Textual Amendments

F322 Sch. 26 para. 14 renumbered (1.10.2010) as para. 69 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F323 70] Omit section 26 (supplemental).

Textual Amendments

F323 Sch. 26 para. 15 renumbered (1.10.2010) as para. 70 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F324 71 (1) Section 27 (conciliation) is amended as follows.

(2) For subsection (1) (disputes in relation to which the Commission may make arrangements for the provision of conciliation services) substitute—

"(1) The Commission may make arrangements for the provision of conciliation services for disputes in respect of which proceedings have been or could be determined by virtue of section 114 of the Equality Act 2010."

Textual Amendments

F324 Sch. 26 para. 16 renumbered (1.10.2010) as para. 71 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F325 72 (1) Section 28 (legal assistance) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a) for "equality enactments" substitute " Equality Act 2010 ", and

(b) in paragraph (b) for "the equality enactments" substitute " that Act ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In subsection (5) for "Part V of the Disability Discrimination Act 1995 (c. 50) (public" substitute " Part 12 of the Equality Act 2010 (disabled persons: ".

(4) In subsection (6)—

(a) for "the equality enactments", on the first occasion it appears, substitute " the Equality Act 2010 ", and

(b) for "the equality enactments", on each other occasion it appears, substitute " that Act ".

(5) In subsection (7)—

(a) in paragraph (a) for "equality enactments" substitute " Equality Act 2010 ", and

(b) in paragraph (b) for "the equality enactments" substitute " that Act ".

(6) In subsection (8) for "Part V of the Disability Discrimination Act 1995 (c. 50)" substitute " Part 12 of the Equality Act 2010 ".

(7) In subsection (9) for "equality enactments" substitute " Equality Act 2010 ".

(8) In subsection (12)—

(a) for "A reference in" to "includes a reference" substitute " This section applies ", and

(b) after paragraph (b) add " as it applies to the Equality Act 2010. "

Textual Amendments

F325 Sch. 26 para. 17 renumbered (1.10.2010) as para. 72 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F326 73] For section 31(1) (duties in respect of which Commission may assess compliance) substitute—

"(1) The Commission may assess the extent to which or the manner in which a person has complied with a duty under or by virtue of section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty)."

Textual Amendments

F326 Sch. 26 para. 18 renumbered (1.10.2010) as para. 73 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F327 74 (1) Section 32 (public sector duties: compliance notice) is amended as follows.

(2) For subsection (1) substitute—

"(1) This section applies where the Commission thinks that a person has failed to comply with a duty under or by virtue of section 149, 153 or 154 of the Equality Act 2010 (public sector equality duty)."

(3) In subsection (4) for "section 76A" to "Disability Discrimination Act 1995" substitute " section 149 of the Equality Act 2010 ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In subsection (9)(a) for "section 76A" to "Disability Discrimination Act 1995 (c. 50)" substitute " section 149 of the Equality Act 2010 ".

(5) In subsection (9)(b) for "in any other case" substitute " where the notice related to a duty by virtue of section 153 or 154 of that Act ".

(6) In subsection (11) for "section 76B" to "Disability Discrimination Act 1995" substitute " section 153 or 154 of the Equality Act 2010 ".

Textual Amendments

F327 Sch. 26 para. 19 renumbered (1.10.2010) as para. 74 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F328 75] Omit section 33 (equality and human rights enactments).

Textual Amendments

F328 Sch. 26 para. 20 renumbered (1.10.2010) as para. 75 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F329 76 (1) Section 34 (meaning of unlawful) is amended as follows.

(2) In subsection (1) for "equality enactments" substitute " Equality Act 2010 ".

(3) In subsection (2)—

(a) after "virtue of" insert " any of the following provisions of the Equality Act 2010 ", and

(b) for paragraphs (a) to (c) substitute—

"(a) section 1 (public sector duty regarding socio-economic inequalities),

(b) section 149, 153 or 154 (public sector equality duty),

(c) Part 12 (disabled persons: transport), or

(d) section 190 (disability: improvements to let dwelling houses)."

Textual Amendments

F329 Sch. 26 para. 21 renumbered (1.10.2010) as para. 76 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F330 77 (1) Section 35 (general: definitions) is amended as follows.

(2) In the definition of "religion or belief", for "Part 2 (as defined by section 44)" substitute " section 10 of the Equality Act 2010 ".

(3) For the definition of "sexual orientation" substitute—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

""sexual orientation" has the same meaning as in section 12 of the Equality Act 2010."

Textual Amendments

F330 Sch. 26 para. 22 renumbered (1.10.2010) as para. 77 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F331 78] In section 39(4) (orders subject to affirmative resolution procedure) for ", 27(10) or 33(3)" substitute " or 27(10) ".

Textual Amendments

F331 Sch. 26 para. 23 renumbered (1.10.2010) as para. 78 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F332 79] Omit section 43 (transitional: rented housing in Scotland).

Textual Amendments

F332 Sch. 26 para. 24 renumbered (1.10.2010) as para. 79 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F333 80] Omit Part 2 (discrimination on grounds of religion or belief).

Textual Amendments

F333 Sch. 26 para. 25 renumbered (1.10.2010) as para. 80 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F334 81] Omit section 81 (regulations).

Textual Amendments

F334 Sch. 26 para. 26 renumbered (1.10.2010) as para. 81 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F335 82] Omit Part 4 (public functions).

Textual Amendments

F335 Sch. 26 para. 27 renumbered (1.10.2010) as para. 82 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F336 83] In section 94(3) (extent: Northern Ireland)—

(a) omit "and 41 to 56", and

(b) omit "and the Disability Discrimination Act 1995 (c. 50)".

Textual Amendments

F336 Sch. 26 para. 28 renumbered (1.10.2010) as para. 83 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F337 84 [(1) Schedule 1 (the Commission: constitution, etc.) is amended as follows.

(2) In paragraph 52(3)(a) for "Parts 1, 3, 4, 5 and 5B of the Disability Discrimination Act 1995 (c. 50)" substitute " Parts 2, 3, 4, 6, 7, 12 and 13 of the Equality Act 2010, in so far as they relate to disability ".

(3) In paragraph 53 for "Part 2 of the Disability Discrimination Act 1995 (c. 50)" substitute " Part 5 of the Equality Act 2010 ".

(4) In paragraph 54 for "Part 2 of the Disability Discrimination Act 1995" substitute " Part 5 of the Equality Act 2010 ".

Textual Amendments

F337 Sch. 26 para. 29 renumbered (1.10.2010) as para. 84 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F338 85] In Schedule 3 (consequential amendments), omit paragraphs 6 to 35 and 41 to 56.

Textual Amendments

F338 Sch. 26 para. 30 renumbered (1.10.2010) as para. 85 by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 1(c)**

[F339 Immigration, Asylum and Nationality Act 2006

Textual Amendments

F339 Sch. 26 paras. 86-100 inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 6**

86 In section 23(1)(a) of the Immigration Asylum and Nationality Act 2006 (discrimination: code of practice) for "the Race Relations Act 1976 (c. 74)" substitute " the Equality Act 2010, so far as relating to race ".

Childcare Act 2006

87 The Childcare Act 2006 is amended as follows.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

88 In section 6(6) (duty to secure sufficient childcare for working parents) in the definition of "disabled child" for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

89 In section 12(8) (duty to provide information, advice and assistance) for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

90 In section 22(6) (duty to secure sufficient childcare for working parents (Wales)) in the definition of "disabled child" for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

91 In section 27(8) (duty to provide information, advice and assistance (Wales)) for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

Education and Inspections Act 2006

92 The Education and Inspections Act 2006 is amended as follows.

93 In section 21(5) (proposals under section 19: procedure) for "section 27 of the Sex Discrimination Act 1975 (c. 65) (exception for single-sex establishments turning co-educational)" substitute " paragraphs 3 and 4 of Schedule 11 to the Equality Act 2010 (single-sex schools turning co-educational) ".

94 In section 91(7) (enforcement of disciplinary penalties) for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

Finance Act 2007

95 In paragraph 7(7) of Schedule 18 to the Finance Act 2007 (pension schemes: abolition of relief for life insurance premium contributions etc)—

(a) for "Employment Equality (Age) Regulations 2006 (SI 2006/1031)" substitute " Equality Act 2010, so far as relating to age, ", and

(b) for "them" substitute " those Regulations ".

UK Borders Act 2007

96 In section 48(2)(f) of the UK Borders Act 2007 (recommendations by Chief Inspector of UK Border Agency) for "section 19D of the Race Relations Act 1976 (c.74)" substitute " paragraph 17 of Schedule 3 to the Equality Act 2010 ".

Regulatory Enforcement and Sanctions Act 2008

97 The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

98 Insert after section 38(2) (meaning of "relevant offence")—

"(3) The entry in Schedule 6 for Part 5 of the Disability Discrimination Act 1995 is, in relation to England and Wales and Scotland, to be read as a reference to Part 12 of the Equality Act 2010."

99 In Schedule 3 (enactments specified for the purposes of the Part relating to LBRO) omit "Disability Discrimination Act 1995 (c. 50)".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Apprenticeships, Skills, Children and Learning Act 2009

100 In section 218(3)(b) of the Apprenticeships, Skills, Children and Learning Act 2009 (arrangements etc to be made by Commission) for "section 1(1) of the Disability Discrimination Act 1995 (c.50)" substitute " section 6 of the Equality Act 2010 ".**]**

[F340 PART 2

ACTS OF THE SCOTTISH PARLIAMENT

Textual Amendments

F340 Sch. 26 Pt. 2 (paras. 101-107) inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 12, **Sch. 1 para. 6**

Education (Disability Strategies and Pupils' Educational Records)(Scotland) Act 2002

101 In section 6 of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 (interpretation) in the definition of "pupil with a disability" for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

Freedom of Information (Scotland) Act 2002

102 The Freedom of Information (Scotland) Act 2002 is amended as follows.

103 In section 11(5) (means of providing information) for "provider of services has under or by virtue of section 21 of the Disability Discrimination Act 1995 (c. 50)" substitute " person has under or by virtue of section 29 of the Equality Act 2010 (provision of services etc) ".

104 In section 12(6) (excessive cost of compliance) for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".

Dog Fouling (Scotland) Act 2003

105 In section 16 of the Dog Fouling (Scotland) Act 2003 (interpretation) in the definition of "disabled person" for "section 1 of the Disability Discrimination Act 1995 (c.50)" substitute " section 6 of the Equality Act 2010 ".

Education (Additional Support for Learning) (Scotland) Act 2004

106 Paragraph 3(1)(e) of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 (exclusion to duty to comply with placing requests) is amended as follows—

(a) for "section 26 of the Sex Discrimination Act 1975 (c.65))" substitute " paragraph 1(2) of Part 1 of Schedule 11 to the Equality Act 2010 ", and

(b) for "section", where it occurs for the second time, substitute, " paragraph ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F341 Housing (Scotland) Act 2006

Textual Amendments

F341 Sch. 26 para. 106A inserted (5.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), **arts. 1(2)**, 3(2)

106A In section 194(1) of the Housing (Scotland) Act 2006 (interpretation), in the definition of "disabled person", for "Disability Discrimination Act 1995 (c. 50)" substitute Equality Act 2010.**]**

Education (Additional Support for Learning) (Scotland) Act 2009

107 In section 9 of the Education (Additional Support for Learning) (Scotland) Act 2009 (functions of education authority in relation to certain pre-school children etc), in the amendment to section 5(3)(c) of the Education (Additional Support for Learning) (Scotland) Act 2004, for "Disability Discrimination Act 1995 (c.50)" substitute " Equality Act 2010 ".**]**

SCHEDULE 27

Section 211

REPEALS AND REVOCATIONS

PART 1

REPEALS

Commencement Information

I158 Sch. 27 Pt. 1 partly in force; Sch. 27 Pt. 1 not in force at Royal assent see s. 216; Sch. 27 Pt. 1 in force at 1.10.2010 for specified purposes by S.I. 2010/2317, **art. 2(1)(15)(f)** (with art. 15); Sch. 27 Pt. 1 in force at 5.4.2011 for specified purposes by S.I. 2011/1066, art. 2(h)

[F342 Short title	*Extent of Repeal*
The Sex Disqualification Removal Act 1919	The whole Act.
Equal Pay Act 1970	The whole Act.
Sex Discrimination Act 1975	The whole Act.
Race Relations Act 1976	The whole Act.
Estate Agents Act 1979	In section 5(3) "those Acts and".
Further Education Act 1985	Section 4.
Sex Discrimination Act 1986	The whole Act.
Local Government Act 1988	Section 17(9).
	Section 18.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

	Section 19(10).
Employment Act 1989	Sections 1 to 7.
	Section 9.
	Section 28(2), (3) and (4)(a).
	In section 29(1) the definition of "the 1975 Act".
Local Government and Housing Act 1989	Section 7(2)(c),(d) and (f).
Social Security Act 1989	In Schedule 5—
	(a) in paragraph 2(4) from "; but where" to the end, and
	(b) paragraph 5.
Enterprise and New Towns (Scotland) Act 1990	Section 18.
Contracts (Applicable Law) Act 1990	In Schedule 4 in paragraph 1 "Section 1(11) of the Equal Pay Act 1970 and" and the cross-heading referring to the Equal Pay Act 1970.
Further and Higher Education Act 1992	In Schedule 8, paragraphs 75 to 88.
Trade Union and Labour Relations (Consolidation) Act 1992	In Schedule A2 the entries for—
	(a) the Equal Pay Act 1970;
	(b) the Sex Discrimination Act 1975;
	(c) the Race Relations Act 1976;
	(d) the Disability Discrimination Act 1995;
	(e) the Employment Equality (Sexual Orientation) Regulations 2003;
	(f) the Employment Equality (Religion or Belief) Regulations 2003;
	(g) the Employment Equality (Age) Regulations 2006.
	In Schedule 2, paragraph 3(1) to (3) and the preceding cross-heading.
Trade Union Reform and Employment Rights Act 1993	In section 39(2) "the Sex Discrimination Act 1975, the Race Relations Act 1976, and".
	In Schedule 6, paragraphs 1 and 2.
	In Schedule 7, paragraph 8.
Race Relations (Remedies) Act 1994	The whole Act.
Disability Discrimination Act 1995	The whole Act.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Pensions Act 1995	Sections 62 to 66.
Employment Tribunals Act 1996	Section 18(1)(c), (k), (l) and (r).
	Section 21(1)(a), (b), (c), (e), (l), (m) and (s).
	In Schedule 2, paragraph 7.
Employment Rights Act 1996	In Schedule 1, paragraph 1 and the preceding cross-heading.
Armed Forces Act 1996	Sections 21, 23 and 24.
Education Act 1996	In Schedule 36A, in the table, the entries for the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.
	In Schedule 37, paragraphs 31, 32, 34 to 36, 37(b), 39, 40 and 43.
Employment Rights (Dispute Resolution) Act 1998	Section 8(1), (2) and (4).
	Section 9(2)(a), (b) and (d).
	Section 10(2)(a), (b) and (d).
	In Schedule 1, paragraphs 2, 3 and 11.
School Standards and Framework Act 1998	In Schedule 30, paragraphs 5, 6 and 7.
Greater London Authority Act 1999	Section 404.
Learning and Skills Act 2000	Section 150(4)(d) and the “or” immediately preceding it.
	In Schedule 9, paragraphs 5, 6, 7 and 9 and the preceding cross-heading.
Race Relations (Amendment) Act 2000	Section 1.
	Sections 3 to 10.
	Schedule 2, except for paragraphs 17 and 31.
	Schedule 3.
Standards In Scotland's Schools etc. Act 2000	In schedule 2, paragraph 2.
Special Educational Needs and Disability Act 2001	Sections 11 to 33.
	Section 34(4), (5), (6) and (7).
	Sections 38 to 40.
	Schedules 2 to 6.
Sex Discrimination (Election Candidates) Act 2002	Section 1.
Employment Act 2002	Section 42 and the preceding cross-heading.
	In Schedule 5, the entries for—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

	(a) the Equal Pay Act 1970; (b) the Sex Discrimination Act 1975; (c) the Race Relations Act 1976; (d) the Disability Discrimination Act 1995; (e) the Employment Equality (Sexual Orientation) Regulations 2003; (f) the Employment Equality (Religion or Belief) Regulations 2003; (g) the Employment Equality (Age) Regulations 2006.
Education Act 2002	In Schedule 7, paragraph 5 and the preceding cross-heading. In Schedule 18, paragraphs 7 to 12. In Schedule 21, paragraphs 3 and 26 to 29 and the cross-headings preceding paragraphs 3 and 26.
Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002	Sections 1 and 3 to 5.
Nationality, Immigration and Asylum Act 2002	In Schedule 7, paragraphs 11, 12 and 14 and the preceding cross-heading.
Gender Recognition Act 2004	Section 19. In Schedule 6, Part 1.
Civil Partnership Act 2004	Section 6(1)(b) and (2).
Higher Education Act 2004	Section 19.
Education (Additional Support for Learning) (Scotland) Act 2004	In section 17(1) “to exercise the functions which are conferred on a Tribunal by virtue of this Act”.
Disability Discrimination Act 2005	The whole Act except for— (a) section 3 (b) section 9 (c) Schedule 1 paragraphs 31, 33, 34(1) and (6) and Part 2
Serious Organised Crime and Police Act 2005	Section 56(2)(a) and (b) and (4)(a), (b), (g) and (h) and the “and” preceding each of paragraphs (g) and (h).
Education Act 2005	In Schedule 9, paragraph 8 and the preceding cross-heading. In Schedule 14, paragraphs 5 and 7. In Schedule 15, paragraph 6.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Charities and Trustee Investment (Scotland) Act 2005	In schedule 4, paragraph 3.
Equality Act 2006	Section 25.
	Section 26.
	Section 33.
	Section 43.
	Part 2.
	Section 81
	Part 4.
	In Section 94(3) “and 41 to 56” and “and the Disability Discrimination Act 1995(c.50)”.
	In Schedule 3, paragraphs 6 to 35 and paragraphs 40 to 56.
Education and Inspections Act 2006	In Schedule 1, paragraph 1 and the preceding cross-heading.
	In Schedule 3, paragraph 3 and the preceding cross-heading.
Legal Services Act 2007	In Schedule 21, paragraphs 32, 36 to 38 and 118 and the cross-headings preceding paragraphs 32 and 118.
Greater London Authority Act 2007	Section 11(5).
Regulatory Enforcement and Sanctions Act 2008	In Schedule 3, “Disability Discrimination Act 1995 (c.50)”.
	In Schedule 6, “Disability Discrimination Act 1995 (c.50)”.
Education and Skills Act 2008	In Schedule 1, paragraphs 1 to 4 and the cross-heading preceding paragraph 1.
Local Transport Act 2008	Section 55.
	Section 56.
Apprenticeships, Skills, Children and Learning Act 2009	Section 221(3).**]**

Textual Amendments

F342 Sch. 27 Pt. 1 Table substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 13, **Sch. 2**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F343PART 1A

REPEALS RELATING TO THE COMMENCEMENT OF THE PUBLIC SECTOR EQUALITY DUTY ON 5TH APRIL 2011

Textual Amendments

F343 Sch. 27 Pt. 1A inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 3(3)(a), **Sch. 3**

Short title	***Extent of repeal***
Race Relations (Amendment) Act 2000	Section 2.
	Schedule 1.
	In Schedule 2, paragraph 17.
Nationality, Immigration and Asylum Act 2002	Section 6(5).
Water Act 2003	In Schedule 7, paragraph 22.
Courts Act 2003	In Schedule 8, paragraph 187.
Health and Social Care (Community Health and Standards) Act 2003	In Schedule 4, paragraphs 21 and 22.
Health Protection Agency Act 2004	In Schedule 3, paragraph 8.
Energy Act 2004	In Schedule 14, paragraph 4.
Fire and Rescue Services Act 2004	In Schedule 1, paragraph 48.
Civil Contingencies Act 2004	In Schedule 2, paragraph 10(3)(a).
Disability Discrimination Act 2005	Section 3.
Serious Organised Crime and Police Act 2005	In Schedule 4, paragraphs 33 to 35.
Education Act 2005	In Schedule 14, paragraphs 6 and 8.
Gambling Act 2005	In Schedule 16, paragraph 9.
London Olympic Games and Paralympic Games Act 2006	In Schedule 1, paragraph 21.
Natural Environment and Rural Communities Act 2006	In Schedule 11—
	(a) paragraph 61, and
	(b) in paragraph 175(2), "in the Race Relations Act 1976 (c. 74), Part 2 of Schedule 1A;".
National Health Service (Consequential Provisions) Act 2006	In Schedule 1, paragraphs 55 and 56.
Police and Justice Act 2006	In Schedule 1, paragraph 60.
Tourist Boards (Scotland) Act 2006	In Schedule 2, paragraph 3.
Tribunals, Courts and Enforcement Act 2007	In Schedule 8, paragraph 7.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Offender Management Act 2007	In Schedule 3, paragraphs 1 and 7.
Legal Services Act 2007	In Schedule 21, paragraph 39.
Health and Social Care Act 2008	In Schedule 5, paragraph 59.
	In Schedule 10, paragraph 6.
Housing and Regeneration Act 2008	In Schedule 8, paragraph 21.
	In Schedule 9, paragraph 4.
Local Transport Act 2008	In Schedule 4, paragraph 49.
Climate Change Act 2008	In Schedule 1, paragraph 32.
Pensions Act 2008	In Schedule 1, paragraph 25.
Local Democracy, Economic Development and Construction Act 2009	In Schedule 6, paragraph 44.
Apprenticeships, Skills, Children and Learning Act 2009	In Schedule 6, paragraph 1.
	In Schedule 12, paragraph 7.
Marine and Coastal Access Act 2009	In Schedule 2, paragraph 4.
Policing and Crime Act 2009	Section 2(3).**]**

PART 2

REVOCATIONS

Commencement Information

I159 Sch. 27 Pt. 2 wholly in force; Sch. 27 Pt. 2 not in force at Royal assent see s. 216; Sch. 27 Pt. 2 in force at 1.10.2010 by S.I. 2010/2317, **art. 2(1)(15)(f)** (with art. 15)

Title	*Extent of revocation*
Occupational Pension Schemes (Equal Treatment) Regulations 1995 (S.I. 1995/3183)	The whole Regulations.
Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660)	The whole Regulations.
Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661)	The whole Regulations.
Disability Discrimination Act 1995 (Pensions) Regulations 2003 (S.I. 2003/2770)	The whole Regulations.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Occupational Pension Schemes (Equal Treatment) (Amendment) Regulations 2005 (S.I. 2005/1923)	The whole Regulations.
Employment Equality (Age) Regulations 2006 (S.I. 2006/1031)	The whole Regulations (other than Schedules 6 and 8).
Equality Act (Sexual Orientation) Regulations 2007 (S.I. 2007/1263)	The whole Regulations.
Sex Discrimination (Amendment of Legislation) Regulations 2008 (S.I. 2008/963)	The whole Regulations.

[F344PART 3

REVOCATIONS RELATING TO THE COMMENCEMENT OF THE PUBLIC SECTOR EQUALITY DUTY ON 5TH APRIL 2011

Textual Amendments

F344 Sch. 27 Pt. 3 inserted (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 3(3)(b), **Sch. 4**

Title	*Extent of revocation*
National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469)	In Schedule 1, paragraph 9.
Health Professions Order 2001 (Consequential Amendments) Order 2003 (S.I. 2003/1590)	In the Schedule, paragraph 4.
Further and Higher Education (Scotland) Act 2005 (Consequential Modifications) Order 2005 (S.I. 2005/2077)	Article 5.
Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/3172)	In the Schedule, paragraph 2.
References to Health Authorities Order 2007 (S.I. 2007/961)	In the Schedule, paragraph 12.
Tourist Boards (Scotland) Act 2006 (Consequential Modifications) Order 2007 (S.I. 2007/1103)	In the Schedule, paragraph 3.
Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388)	In Schedule 1, paragraphs 10 to 16.
Agriculture and Horticulture Development Board Order 2008 (S.I. 2008/576)	In Schedule 5, paragraph 4.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080)	In Schedule 1, paragraphs 9 to 11.
Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158)	In Schedule 2, in Part 2, paragraph 30.**]**

SCHEDULE 28

Section 214

INDEX OF DEFINED EXPRESSIONS

Expression	***Provision***
Accrual of rights, in relation to an occupational pension scheme	Section 212(12)
Additional maternity leave	Section 213(6) and (7)
Additional maternity leave period	Section 213(8)
Age discrimination	Section 25(1)
Age group	Section 5(2)
Armed forces	Section 212(1)
Association	Section 107(2)
Auxiliary aid	Section 20(11)
Belief	Section 10(2)
Breach of an equality clause or rule	Section 212(8)
The Commission	Section 212(1)
Commonhold	Section 38(7)
Compulsory maternity leave	Section 213(3)
Contract work	Section 41(6)
Contract worker	Section 41(7)
Contravention of this Act	Section 212(9)
Crown employment	Section 83(9)
Detriment	Section 212(1) and (5)
Disability	Section 6(1)
Disability discrimination	Section 25(2)
Disabled person	Section 6(2) and (4)
Discrimination	Sections 13 to 19, 21 and 108
Disposal, in relation to premises	Section 38(3) to (5)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Education Acts	Section 212(1)
Employer, in relation to an occupational pension scheme	Section 212(11)
Employment	Section 212(1)
Enactment	Section 212(1)
Equality clause	Section 212(1)
Equality rule	Section 212(1)
Firm	Section 46(2)
Gender reassignment	Section 7(1)
Gender reassignment discrimination	Section 25(3)
Harassment	Section 26(1)
Independent educational institution	Section 89(7)
LLP	Section 46(4)
Man	Section 212(1)
Marriage and civil partnership	Section 8
Marriage and civil partnership discrimination	Section 25(4)
Maternity equality clause	Section 212(1)
Maternity equality rule	Section 212(1)
Maternity leave	Section 213(2)
Member, in relation to an occupational pension scheme	Section 212(10)
Member of the executive	Section 212(7)
Non-discrimination rule	Section 212(1)
Occupation, in relation to premises	Section 212(6)
Occupational pension scheme	Section 212(1)
Offshore work	Section 82(3)
Ordinary maternity leave	Section 213(4) and (5)
Parent	Section 212(1)
Pension credit member	Section 212(11)
Pensionable service	Section 212(11)
Pensioner member	Section 212(11)
Personal office	Section 49(2)
Physical feature	Section 20(10)
Pregnancy and maternity discrimination	Section 25(5)
Premises	Section 38(2)
Prescribed	Section 212(1)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Profession	Section 212(1)
Proposed firm	Section 46(3)
Proposed LLP	Section 46(5)
Proprietor, in relation to a school	Section 89(4)
Protected characteristics	Section 4
Protected period, in relation to pregnancy	Section 18(6)
Provision of a service	Sections 31 and 212(4)
Public function	Sections 31(4) and 150(5)
Public office	Sections 50(2) and 52(4)
Pupil	Section 89(3)
Race	Section 9(1)
Race discrimination	Section 25(6)
Reasonable adjustments, duty to make	Section 20
Relevant member of the House of Commons staff	Section 83(5)
Relevant member of the House of Lords staff	Section 83(6)
Relevant person, in relation to a personal or public office	Section 52(6)
Religion	Section 10(1)
Religious or belief-related discrimination	Section 25(7)
Requirement, the first, second or third	Section 20
Responsible body, in relation to a further or higher education institution	Section 91(12)
Responsible body, in relation to a school	Section 85(9)
School	Section 89(5) and (6)
Service-provider	Section 29(1)
Sex	Section 11
Sex discrimination	Section 25(8)
Sex equality clause	Section 212(1)
Sex equality rule	Section 212(1)
Sexual orientation	Section 12(1)
Sexual orientation discrimination	Section 25(9)
Student	Section 94(3)
Subordinate legislation	Section 212(1)
Substantial	Section 212(1)

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Taxi, for the purposes of Part 3 (services and public functions)	Schedule 2, paragraph 4
Taxi, for the purposes of Chapter 1 of Part 12 (disabled persons: transport)	Section 173(1)
Tenancy	Section 38(6)
Trade	Section 212(1)
Transsexual person	Section 7(2)
Trustees or managers, in relation to an occupational pension scheme	Section 212(11)
University	Section 94(4)
Victimisation	Section 27(1)
Vocational training	Section 56(6)
Woman	Section 212(1)

Status:
This version of this Act contains provisions that are prospective.

Changes to legislation:
Equality Act 2010 is up to date with all changes known to be in force on or before 23 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- s. 80(7) repealed by S.I. 2014/3229 Sch. 5 para. 19(3)
- s. 104(7) words repealed by 2010 c. 15 s. 105(1)(2) (This repeal comes into force at the end of2030 unless an order under s. 105(2) specifies a later time)
- s. 104(8)(b) repealed by S.I. 2018/1310 Sch. 1 Pt. 1 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- s. 106(5)(b) repealed by S.I. 2018/1310 Sch. 1 Pt. 1 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- s. 116(1)(b) words substituted by 2018 anaw 2 Sch. 1 para. 19(2)
- s. 118(1) word substituted by S.I. 2019/469 Sch. 1 para. 17(2)
- s. 123(1) word substituted by S.I. 2019/469 Sch. 1 para. 17(3)
- s. 129(3) word substituted by S.I. 2019/469 Sch. 1 para. 17(4)
- s. 136(6)(e) words substituted by 2018 anaw 2 Sch. 1 para. 19(3)
- s. 138(8) words substituted by 2013 c. 22 Sch. 9 para. 52
- s. 140A omitted by S.I. 2019/469 Sch. 1 para. 17(5)
- s. 140AA(1)(a) omitted by S.I. 2019/305 reg. 5(2)(a)
- s. 140AA(1)(b) substituted by S.I. 2019/305, reg. 5(2)(b) (as substituted) by S.I. 2020/1139 reg. 6(2)(a)
- s. 140AA(1)(b) words substituted by S.I. 2019/305 reg. 5(2)(b) (This amendment not applied to legislation.gov.uk. Reg. 5(2)(b) substituted immediately before IP completion day by S.I. 2020/1139, regs. 1(2), 6(2)(a))
- s. 140AA(1)(d) substituted by S.I. 2019/305 reg. 5(2)(c)
- s. 140AA(1)(f) substituted by S.I. 2019/305 reg. 5(2)(d)
- s. 140AA(1)(f) words substituted in earlier amending provision S.I. 2019/305, reg. 5(2)(d) by S.I. 2020/1139 reg. 6(2)(c)
- s. 155(2) words substituted by S.I. 2019/560 reg. 3(2)(a)
- s. 155(3) words substituted by S.I. 2019/560 reg. 3(2)(b)
- s. 162(4) omitted by S.I. 2019/305 reg. 5(3)
- s. 203 omitted by S.I. 2019/305 reg. 5(4)
- s. 204 omitted by S.I. 2019/305 reg. 5(5)
- s. 208(5)(h) omitted by S.I. 2019/305 reg. 5(6)
- Sch. 3 para. 15A(5)(d) and word omitted by S.I. 2019/305 reg. 5(7)(a)(iii)(dd)
- Sch. 3 para. 15A(5)(b) word inserted by S.I. 2019/305 reg. 5(7)(a)(iii)(bb)
- Sch. 3 para. 17(5)(b) word inserted by S.I. 2019/305 reg. 5(7)(b)(iii)(bb)
- Sch. 3 para. 15A(2) words substituted by S.I. 2019/305 reg. 5(7)(a)(i)
- Sch. 3 para. 15A(4)(b) words substituted by S.I. 2019/305 reg. 5(7)(a)(ii)
- Sch. 3 para. 15A(5) words substituted by S.I. 2019/305 reg. 5(7)(a)(iii)(aa)
- Sch. 3 para. 15A(5)(c) words substituted by S.I. 2019/305 reg. 5(7)(a)(iii)(cc)
- Sch. 3 para. 17(2) words substituted by S.I. 2019/305 reg. 5(7)(b)(i)
- Sch. 3 para. 17(4)(b) words substituted by S.I. 2019/305 reg. 5(7)(b)(ii)
- Sch. 3 para. 17(5) words substituted by S.I. 2019/305 reg. 5(7)(b)(iii)(aa)
- Sch. 3 para. 17(5)(c) words substituted by S.I. 2019/305 reg. 5(7)(b)(iii)(cc)
- Sch. 17 para. 3(b) omitted by 2018 anaw 2 Sch. 1 para. 19(5)(c)(ii)
- Sch. 17 para. 3A(3) omitted by 2018 anaw 2 Sch. 1 para. 19(5)(d)(ii)
- Sch. 17 para. 6A substituted by 2018 anaw 2 Sch. 1 para. 19(5)(g)
- Sch. 17 para. 1 word substituted by 2018 anaw 2 Sch. 1 para. 19(5)(a)(i)
- Sch. 17 para. 1 word substituted by 2018 anaw 2 Sch. 1 para. 19(5)(a)(ii)

- Sch. 17 para. 3A(4) word substituted by 2018 anaw 2 Sch. 1 para. 19(5)(d)(iii)
- Sch. 17 para. 3 words inserted by 2018 anaw 2 Sch. 1 para. 19(5)(c)(i)
- Sch. 17 para. 6(2)(a) words omitted by 2018 anaw 2 Sch. 1 para. 19(5)(e)(i)
- Sch. 17 para. 6(7) words substituted by 2018 anaw 2 Sch. 1 para. 19(5)(e)(ii)
- Sch. 17 para. 3 heading words omitted by 2018 anaw 2 Sch. 1 para. 19(5)(b)
- Sch. 18 para. 2(2)(h) words substituted by S.I. 2019/305 reg. 5(8)
- Sch. 19 Pt. 2 entry inserted by 2020 asc 1 Sch. 3 para. 10(b)
- Sch. 19 Pt. 3 words inserted by S.S.I. 2020/313 art. 2
- Sch. 19 Pt. 1 words inserted by 2015 c. 2 Sch. 3 para. 17
- Sch. 19 Pt. 2 words omitted by 2020 asc 1 Sch. 3 para. 10(a)(i)
- Sch. 19 Pt. 2 words omitted by 2020 asc 1 Sch. 3 para. 10(a)(ii)
- Sch. 20 para. 12(5) words substituted by 2013 c. 22 Sch. 9 para. 52
- Sch. 23 para. 4(5)(a) omitted by S.I. 2019/305 reg. 5(9)(c)
- Sch. 23 para. 4(2) words substituted by S.I. 2019/305 reg. 5(9)(b)
- Sch. 23 para. 4 heading word omitted by S.I. 2019/305 reg. 5(9)(a)
- Sch. 24 omitted by S.I. 2019/305 reg. 5(4)
- Sch. 26 para. 36 omitted by 2018 anaw 2 Sch. 1 para. 6(o)
- Sch. 26 para. 37 omitted by 2018 anaw 2 Sch. 1 para. 6(o)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 140B(1) words omitted by S.I. 2019/469 Sch. 1 para. 17(6)
- s. 140AA(1)(g)-(i) inserted by S.I. 2019/305, reg. 5(2)(e) (as inserted) by S.I. 2020/1139 reg. 6(2)(d)
- s. 140AA(1)(da) inserted by S.I. 2019/305, reg. 5(2)(ca) (as inserted) by S.I. 2020/1139 reg. 6(2)(b)
- s. 209(3)(e) inserted by 2018 anaw 2 Sch. 1 para. 19(4)
- Sch. 3 para. 17(4)(d) and word omitted by S.I. 2019/305 reg. 5(7)(b)(iii)(dd)
- Sch. 17 para. 6AA and cross-heading inserted by 2018 anaw 2 Sch. 1 para. 19(5)(f)
- Sch. 17 para. 6F inserted by 2018 anaw 2 Sch. 1 para. 19(5)(h)
- Sch. 17 para. 3A(1)(a)(b) substituted for words by 2018 anaw 2 Sch. 1 para. 19(5)(d)(i)