

A Guide to the Equalities Act 2010.

The original Act can be found at [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

This guide is designed to help you navigate the Act, parts of this will be cited directly from the original Act whilst other sections have been simplified for the reader.

PART 1 SOCIO-ECONOMIC INEQUALITIES

1 Public sector duty regarding socio-economic inequalities

This section of the Act covers the Authorities duties to reduce the inequalities that result from socio-economic disadvantages. It states that they need to consider the guidance that they have been supplied. Of course, there are variations for Northern Ireland and Scotland, as such please see the variations cited in the original Act on the website stated at the start of this guide.

When we are discussing Authorities there will always be exceptions to the rule and in the case of this Act the exceptions are as follows: Secret Intelligence Service, Security Service and Government Communications Headquarters. As such ministers of the crown, local governments, County and district councils, police and crime commissioners for any part of England etc are included in this section and need to follow the Equalities Act 2010. In short if it is a public body they must conform.

Power to amend section 1

You cannot have an Act of legislation without someone having the power to amend the Act as and when needed. In this case the person who can amend this Act is A minister of the Crown as long as are doing so by regulations. These amendments include the following: adding an authority, removing an authority, restricting, altering a restriction. As previously stated, a public authority means an authority that functions in the public interest.

Enforcement

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

PART 2 EQUALITY: KEY CONCEPTS**CHAPTER 1 PROTECTED CHARACTERISTICS****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.

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.

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)—

(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.

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.

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.

Race

(1) Race includes—

(a) colour.

(b) nationality.

(c) ethnic or national origins.

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

(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 —

(a) must by order amend this section so as to provide for caste to be an aspect of race.

(b) 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.

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.

Sex

In relation to the protected characteristic of sex—

(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.

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

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).

PROSPECTIVE

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.

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.

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).

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).

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 —

- (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).

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.
- sexual orientation.

Adjustments for disabled persons

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.

(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.

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.

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.

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.

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 are 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

Harassment

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

(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.

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.

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

PART 3 SERVICES AND PUBLIC FUNCTIONS

Preliminary

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.

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.
- (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.

PART 4 PREMISES

Preliminary

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

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;
 - (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.

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.

PART 5 WORK

CHAPTER 1 EMPLOYMENT, ETC.

Employees

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;
 - (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.

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.

Contract workers

Police officers

Identity of employer

Interpretation

Partnerships

Limited liability partnerships

The Bar

Barristers

Advocates

Office-holders

Personal offices: appointments, etc.

Public offices: appointments, etc.

Public offices: recommendations for appointments, etc.

Interpretation and exceptions

The above sections basically all say the same type of thing. Please refer to the Act on the legislation site for full details.

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) 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.

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

Employment service-providers

Trade organisations

Trade organisations

Local authority members

Official business of members

Many of these sections contain virtually the same information. If you require the exact wording, please check out the legislation site mentioned at the start of this guide.

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.

(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);

(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

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).

(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.

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).

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;
 - (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

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.

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.

(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.

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).

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.

(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, 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 or (as the case may be) the civil partner of someone of the opposite sex to B;

(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.

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.

(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.

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.

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.

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***Relevant types of work**

Sections 73 to 76 apply where a woman—

(a) is employed, or

(b) holds a personal or public office.

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.

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

(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.

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.

(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.

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.

(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.

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.

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.

Comparators

Interpretation and exceptions

CHAPTER 4 SUPPLEMENTARY

Ships and hovercraft

Offshore work

Once again many of these sub-sections contain the same information. Please refer to the original legislation for the actual wording.

PART 6 EDUCATION

CHAPTER 1 SCHOOLS

Application of this Chapter

This Chapter does not apply to the following protected characteristics—

(a) age;

(b) marriage and civil partnership.

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;

(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);
- (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) 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.

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
- (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.

Disabled pupils: accessibility

Schedule 10 (accessibility) has effect.

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.
- (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

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—
- (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.
 - (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;

(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;

(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.

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—
- “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.

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.

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.

(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.

CHAPTER 3 GENERAL QUALIFICATIONS BODIES

Application of this Chapter

This Chapter does not apply to the protected characteristic of marriage and civil partnership.

Qualifications bodies

CHAPTER 4 MISCELLANEOUS

Reasonable adjustments

Educational charities and endowments

Schedule 14 (educational charities and endowments) has effect.

PART 7 ASSOCIATIONS

Preliminary

Application of this Part

(1) This Part does not apply to the protected characteristic of marriage and civil partnership.

(2) This Part does not apply to discrimination, harassment or victimisation—

Members and associates

Guests

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.

Special provision for political parties

election of candidates

Time-limited provision

Information about diversity in range of candidates, etc.

Interpretation and exceptions

PART 8 PROHIBITED CONDUCT: ANCILLARY

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.

(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 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.

Liability of employers and principals

Liability of employees and agents

Instructing, causing or inducing contraventions

Aiding contraventions

PART 9 ENFORCEMENT**CHAPTER 1 INTRODUCTORY****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;
 - (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).

CHAPTER 2 CIVIL COURTS**Jurisdiction****Immigration cases****Education cases****National security****Time limits**

- (1) Subject to section 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) **F80**... applies, subsection (1)(a) has effect as if for “6 months” there were substituted “9 months”.
- (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.

(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 [F82, 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).

Remedies

(1) This section applies if [F83the 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.

CHAPTER 3 EMPLOYMENT TRIBUNALS

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, **[F84the 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).

Armed forces cases

References by court to tribunal, etc.

Remedies: general

Remedies: national security

Remedies: occupational pension schemes

CHAPTER 4 EQUALITY OF TERMS

Jurisdiction

References by court to tribunal, etc.

Time limits

Assessment of whether work is of equal value

Remedies in non-pensions cases

Remedies in pensions cases

Remedies in claims for arrears brought by pensioner members

CHAPTER 5 MISCELLANEOUS

Burden of proof

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;

(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.

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.

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.

PART 11 ADVANCEMENT OF EQUALITY**CHAPTER 1 PUBLIC SECTOR EQUALITY DUTY****Public sector equality duty****Public authorities and public functions****Power to specify public authorities**

Power to specify public authorities: consultation [F133...](#)

CHAPTER 2 POSITIVE ACTION

Positive action: general

Positive action: recruitment and promotion

PART 12 DISABLED PERSONS: TRANSPORT

CHAPTER 1 TAXIS, ETC.

Control of numbers of licensed taxis: exception

Designated transport facilities

Taxi licence conditional on compliance with taxi accessibility regulations

Exemption from taxi accessibility regulations

Passengers in wheelchairs

Passengers in wheelchairs: exemption certificates

Lists of wheelchair-accessible vehicles

Assistance dogs in taxis

Assistance dogs in taxis: exemption certificates

Assistance dogs in private hire vehicles

Assistance dogs in private hire vehicles: exemption certificates

Appeals

CHAPTER 2 PUBLIC SERVICE VEHICLES

PSV accessibility regulations

Offence of contravening PSV accessibility regulations

Accessibility certificates

Approval certificates

Special authorisations

Reviews and appeals

CHAPTER 2A BUS SERVICES

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—
- (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.

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.

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

(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.

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

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.

(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 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)—

“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.
- “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.

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.

(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.

(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.

The Equalities Act 2010 covers almost every scenario imaginable and is over 350 pages. The author of this guide has tried to find the most relevant sections for this document. If you are looking for something specific, please go to the government legislation site cited at the start of this guide for the information.

The reason for this Act is to ensure that reasonable adjustments are made and those who are covered by protected characteristics are treated fairly and correctly.