
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

PART III

[^{F1}EMPLOYMENT FIELD]

Discrimination by other bodies

Partnerships

14.—(1) It is unlawful for a firm^{F1}. . . , in relation to a position as partner in the firm, to discriminate against a woman—

- (a) in the arrangements they make for the purpose of determining who should be offered that position, or
- (b) in the terms on which they offer her that position, or
- (c) by refusing or deliberately omitting to offer her that position, or
- (d) in a case where the woman already holds that position—
 - (i) in the way they afford her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (ii) by expelling her from that position, or subjecting her to any other detriment.

(2) Paragraph (1) shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.

[^{F2}(2A) It is unlawful for a firm, in relation to a position as partner in the firm, to subject to harassment a woman who holds or has applied for that position.]

(3) [^{F3}Subject to paragraph (3A),] paragraph (1)(a) and (c) do not apply to a position as partner where, if it were employment, being a man would be a genuine occupational qualification for the job.

[^{F3}(3A) Paragraph (3) does not apply in relation to discrimination falling within [^{F4}Article 4A or 4B].

(3B) In relation to discrimination falling within [^{F5}Article 4A or 4B], paragraph (1) does not make unlawful a firm's treatment of a person in relation to a position as partner where—

- (a) if it were employment—
 - (i) being a man would be a genuine occupational qualification for the job; or
 - (ii) being a woman would be a genuine occupational qualification for the job; and
- (b) the firm can show that the treatment is reasonable in view of the circumstances relevant for the purposes of sub-paragraph (a) and any other relevant circumstances.

(3C) In relation to discrimination falling within [^{F6}Article 4A or 4B], paragraph (1)(a), (c) and, so far as it relates to expulsion, (d)(ii) do not apply to a position as partner where, if it were employment, there would be a supplementary genuine occupational qualification for the job.]

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[^{F7}(3D) Paragraphs (3B) and (3C) do not apply in relation to discrimination against a person whose gender has become the acquired gender under the Gender Recognition Act 2004.]

Para. (4) rep. by SR 2005/426

(5) In the case of a limited partnership references in paragraph (1) to a partner shall be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907 .

[^{F8}(6) This Article applies to a limited liability partnership as it applies to a firm; and, in its application to a limited liability partnership, references to a partner in a firm are references to a member of the limited liability partnership.]

F1	1988 NI 13
F2	SR 2005/426
F3	SR 1999/311
F4	Words in art. 14(3A) substituted (2.5.2016) by The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191) , regs. 1(1), 14(a)
F5	Words in art. 14(3B) substituted (2.5.2016) by The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191) , regs. 1(1), 14(b)
F6	Words in art. 14(3C) substituted (2.5.2016) by The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191) , regs. 1(1), 14(c)
F7	2004 c.7
F8	SR 2004/307

Trade unions etc.

15.—(1) This Article applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.

(2) It is unlawful for an organisation to which this Article applies, in the case of a woman who is not a member of the organisation, to discriminate against her—

- (a) in the terms on which it is prepared to admit her to membership, or
- (b) by refusing, or deliberately omitting to accept, her application for membership.

(3) It is unlawful for an organisation to which this Article applies, in the case of a woman who is a member of the organisation, to discriminate against her—

- (a) in the way it affords her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
- (b) by depriving her of membership, or varying the terms on which she is a member, or
- (c) by subjecting her to any other detriment.

[^{F9}(3A) It is unlawful for an organisation to which this Article applies, in relation to membership of that organisation, to subject to harassment a woman who—

- (a) is a member of the organisation, or
- (b) has applied for membership of the organisation.]

Para. (4) rep. by SR 2005/426

F9	SR 2005/426
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Qualifying bodies

16.—(1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a woman—

- (a) in the terms on which it is prepared to confer on her that authorisation or qualification, or
- (b) by refusing or deliberately omitting to grant her application for it, or
- (c) by withdrawing it from her or varying the terms on which she holds it.

[^{F10}(1A) It is unlawful for a body to which this Article applies, in relation to an authorisation or qualification of a kind mentioned in paragraph (1), to subject to harassment a woman who holds or applies for such an authorisation or qualification.]

(2) Where an authority or body is required by law to satisfy itself as to his good character before conferring on a person an authorisation or qualification which is needed for, or facilitates, his engagement in any profession or trade then, without prejudice to any other duty to which it is subject, that requirement shall be taken to impose on the authority or body a duty to have regard to any evidence tending to show that he, or any of his employees, or agents (whether past or present), has practised unlawful discrimination in, or in connection with, the carrying on of any profession or trade.

(3) In this Article—

- (a) “authorisation or qualification” includes recognition, registration, enrolment, approval and certification,
- (b) “confer” includes renew or extend.

(4) Paragraph (1) does not apply to discrimination which is rendered unlawful by Article 24 or 25.

[^{F10}(5) Paragraph (1A) does not apply to harassment which is rendered unlawful by Article 24 or 25.]

F10 SR 2005/426

[^{F11}Persons concerned with provision of vocational training

17.—[

^{F12}(1) It is unlawful, in the case of a woman seeking or receiving vocational training, for any person who provides, or makes arrangements for the provision of, facilities for vocational training to discriminate against her—

- (a) in the arrangements that person makes for the purpose of selecting people to receive vocational training,
- (b) in the terms on which that person affords her access to any vocational training or facilities concerned with vocational training,
- (c) by refusing or deliberately omitting to afford her such access,
- (d) by terminating her vocational training, or
- (e) by subjecting her to any detriment during the course of her vocational training.

(1A) It is unlawful for a provider of vocational training, in relation to such training, to subject to harassment a woman—

- (a) to whom he is providing such training, or
- (b) who has asked him to provide such training.

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(1B) In this Article “vocational training”, in relation to a woman, includes (if it would not otherwise do so) any training which would help fit her for any employment.]

(2) Paragraph (1) does not apply to—

- (a) discrimination which is rendered unlawful by Article 8(1) or (2) or Article 24 or 25; or
- (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Order.]

F11 1990 NI 2

F12 SR 2005/426

Employment agencies

18.—(1) It is unlawful for an employment agency to discriminate against a woman—

- (a) in the terms on which the agency offers to provide any of its services, or
- (b) by refusing or deliberately omitting to provide any of its services, or
- (c) in the way it provides any of its services.

[^{F13}(1A) It is unlawful for an employment agency, in relation to the provision of its services, to subject to harassment a woman—

- (a) to whom it provides such services, or
- (b) who has requested the provision of such services.]

(2) References in paragraph (1) to the services of an employment agency include guidance on careers and any other services related to employment.

(3) This Article does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the woman.

(4) An employment agency shall not be subject to any liability under this Article if it proves—

- (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of paragraph (3), its action would not be unlawful, and
- (b) that it was reasonable for it to rely on the statement.

(5) A person who knowingly or recklessly makes a statement such as is referred to in paragraph (4) (a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding [^{F14} level 5 on the standard scale].

F13 SR 2005/426

F14 1984 NI 3

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.3 rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(4\). Sch.15](#)
- Sch.6 para.2 rev. (prosp.) by [1998 c. 47 s. 100\(2\)Sch.15](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.54(2)(3)(4) rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(3\)\(b\). Sch. 15](#)