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STATUTORY INSTRUMENTS

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**1976 No. 1042**

**Sex Discrimination (Northern Ireland) Order 1976**

PART III

[<sup>F1</sup>EMPLOYMENT FIELD]

*Discrimination by employers*

[<sup>F1</sup>Corresponding exception relating to gender reassignment

**10A.**—(1) In their application to discrimination falling within [<sup>F2</sup>Article 4A or 4B] , paragraphs (1) and (2) of Article 8 do not make unlawful an employer's treatment of another person if—

- (a) in relation to the employment in question—
    - (i) being a man is a genuine occupational qualification for the job; or
    - (ii) being a woman is a genuine occupational qualification for the job; and
  - (b) the employer can show that the treatment is reasonable in view of the circumstances described in the relevant sub-paragraph of Article 10(2) and any other relevant circumstances.
- (2) In paragraph (1) the reference to the employment in question is a reference—
- (a) in relation to any sub-paragraph of Article 8(1), to the employment mentioned in that sub-paragraph;
  - (b) in relation to Article 8(2)—
    - (i) in its application to opportunities for promotion or transfer to any employment or for training for any employment, to that employment;
    - (ii) otherwise, to the employment in which the person discriminated against is employed or from which that person is dismissed.

(3) In determining for the purposes of paragraph (1) whether being a man or being a woman is a genuine occupational qualification for a job, Article 10(4) applies in relation to dismissal from employment as it applies in relation to the filling of a vacancy.

[  
<sup>F3</sup>(4) Paragraph (1) does not apply in relation to discrimination against a person whose gender has become the acquired gender under the Gender Recognition Act 2004.]]

**F1** SR 1999/311

**F2** Words in art. 10A(1) substituted (2.5.2016) by [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/191\)](#), regs. 1(1), **10**

**F3** 2004 c.7

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 10A is up to date with all changes known to be in force on or before 30 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- 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](#)