



# Sex Discrimination Act 1975

## CHAPTER 65

### SEX DISCRIMINATION ACT 1975

#### PART I

##### DISCRIMINATION TO WHICH ACT APPLIES

- 1 Sex discrimination against women.
- 2 Sex discrimination against men.
- 2A “Discrimination on the grounds of gender reassignment.”
- 3 Discrimination against married persons in employment field.
- 3A Discrimination on the ground of pregnancy or maternity leave
- 3B Discrimination on the ground of pregnancy or maternity: goods, facilities, services or premises
- 4 Discrimination by way of victimisation.
- 4A Harassment, including sexual harassment
- 5 Interpretation.

#### PART II

##### DISCRIMINATION IN THE EMPLOYMENT FIELD

###### *Discrimination by employers*

- 6 Discrimination against applicants and employees.
- 6A Exception relating to terms and conditions during maternity leave
- 7 Exception where sex is a genuine occupational qualification.
- 7A “Corresponding exception relating to gender reassignment.”
- 7B “Supplementary exceptions relating to gender reassignment.”
- 8 Equal Pay Act 1970.
- 9 Discrimination against contract workers.
- 10 Meaning of employment at establishment in Great Britain.
- 10A Offices and posts to which section 10B applies

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## 10B Office-holders

### *Discrimination by other bodies*

- 11 Partnerships.
- 12 Trade unions etc.
- 13 Qualifying bodies.
- 14 Persons concerned with provision of vocational training.
- 15 Employment agencies.
- 16 Manpower Services Commission etc.

### *Special cases*

- 17 Police.
- 18 Prison officers.
- 19 Ministers of religion etc.
- 20 Midwives.
- 21 Mineworkers.

### *Relationships which have come to an end*

- 20A Relationships which have come to an end
- 21A Public authorities

## **PART III**

### DISCRIMINATION IN OTHER FIELDS

#### *Education*

- 22 Discrimination by bodies in charge of educational establishments.
- 22A Meaning of pupil in section 22.
- 23 Other discrimination by local education authorities.
- 23A Discrimination by Further Education and Higher Education Funding Councils
- 23B Discrimination by Scottish Further and Higher Education Funding Councils.
- 23BA Discrimination by Scottish Further and Higher Education Funding Council
- 23C Discrimination by Funding Agency for Schools or Schools Funding Council for Wales.
- 23D Discrimination by Teacher Training Agency.
- 24 Designated establishments.
- 25 General duty in public sector of education.
- 25A General duty: post-16 education and training etc.
- 26 Exception for single-sex establishments.
- 27 Exception for single-sex establishments turning co-educational.
- 28 Exception for physical training.

#### *Goods, facilities, services and premises*

- 29 Discrimination in provision of goods, facilities or services.
- 30 Discrimination in disposal or management of premises.
- 31 Discrimination: consent for assignment or sub-letting.
- 32 Exception for small dwellings.
- 33 Exception for political parties.

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- 34 Exception for voluntary bodies.
- 35 Further exceptions from ss. 29(1) and 30.
- 35ZA Excluded matters

*Barristers*

- 35A Discrimination by, or in relation to, barristers.

*Advocates*

- 35B Discrimination by, or in relation to, advocates.

*Relationships which have come to an end*

- 35C Relationships which have come to an end

*Extent*

- 36 Extent of Part III.

**PART IV**

OTHER UNLAWFUL ACTS

- 37 Discriminatory practices.
- 38 Discriminatory advertisements.
- 39 Instructions to discriminate.
- 40 Pressure to discriminate.
- 41 Liability of employers and principals.
- 42 Aiding unlawful acts.

**PART V**

GENERAL EXCEPTIONS FROM PARTS II TO IV

- 42A Selection of candidates
- 43 Charities.
- 44 Sport etc.
- 45 Insurance etc.
- 46 Communal accommodation.
- 47 Discriminatory training by certain bodies.
- 48 Other discriminatory training etc.
- 49 Trade unions etc.: elective bodies.
- 50 Indirect access to benefits etc.
- 51 Acts done for purposes of protection of women.
- 51A Acts done under statutory authority to be exempt from certain provisions of Part III.
- 52 Acts safeguarding national security.
- 52A Construction of references to vocational training.

**PART VI**

EQUAL OPPORTUNITIES COMMISSION

- 53 Establishment and duties of Commission.
- 54 Research and education.
- 55 Review of discriminatory provisions in health and safety legislation.
- 56 (1) As soon as practicable after the end of each...

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### *Codes of practice*

56A Codes of practice.

#### *Investigations*

- 57 Power to conduct formal investigations.
- 58 Terms of reference.
- 59 Power to obtain information.
- 60 Recommendations and reports on formal investigations.
- 61 Restriction on disclosure of information.

### **PART VII**

#### **ENFORCEMENT**

#### *General*

62 Restriction of proceedings for breach of Act.

#### *Enforcement in employment field*

- 63 Jurisdiction of industrial tribunals.
- 63A Burden of proof: employment tribunals
- 64 Conciliation in employment cases.
- 65 Remedies on complaint under section 63.

#### *Enforcement of Part III*

- 66 Claims under Part III.
- 66A Burden of proof: county and sheriff courts
- 66B National security

#### *Non-discrimination notices*

- 67 Issue of non-discrimination notice.
- 68 Appeal against non-discrimination notice.
- 69 Investigation as to compliance with non-discrimination notice.
- 70 Register of non-discrimination notices.

#### *Other enforcement by Commission*

- 71 Persistent discrimination.
- 72 Enforcement of ss. 38 to 40.
- 73 Preliminary action in employment cases.

#### *Help for persons suffering discrimination*

- 74 Help for aggrieved persons in obtaining information etc.
- 75 Assistance by Commission.

#### *Period within which proceedings to be brought*

- 76 Period within which proceedings to be brought.

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## PART VIII

### SUPPLEMENTAL

- 76A Public authorities: general statutory duty
- 76B Specific duties
- 76C Specific duties: Scotland
- 76D Specific duties: enforcement
- 76E Codes of practice
- 77 Validity and revision of contracts.
- 78 Educational charities in England and Wales.
- 79 Educational endowments etc. to which Part VI of the Education (Scotland) Act 1962 applies.
- 80 Power to amend certain provisions of Act.
- 81 Orders.
- 82 General interpretation provisions.
- 83 Transitional and commencement provisions, amendments and repeals.
- 84 Financial provisions.
- 85 Application to Crown.
- 85A Application to House of Commons staff.
- 85B Application to House of Lords staff.
- 86 Government appointments outside section 6.
- 87 Short title and extent.

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### SCHEDULES

#### SCHEDULE 1 — EQUAL PAY ACT 1970

##### PART I — AMENDMENTS OF ACT

- 1 (1) In section 1(6), paragraph (b) is repealed and the...
- 2 (1) The following is substituted for section 2(1)—
- 3 In section 6 the following is substituted for subsection (1)—...
- 4 Section 8 is repealed.
- 5 in section 9(1), the words “Except as provided by subsection...
- 6 (1) For references to an equal pay clause in each...

##### PART II — ACT AS AMENDED

#### *1970 CHAPTER 41*

- 1 (1) If the terms of a contract under which a...
- 2 Disputes as to, and enforcement of, requirement of equal treatment.
- 3 Collective agreements and pay structures.
- 4 Wages regulation orders.
- 5 Agricultural wages orders.
- 6 Exclusion from ss. 1 to 5 of pensions etc.
- 7 Service pay.
- 9 Commencement.
- 10 Preliminary references to Industrial Arbitration Board.
- 11 Short title, interpretation and extent.

#### SCHEDULE 2 — Transitional Exemption Orders for Educational Admissions

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*Public sector (England and Wales)*

- 1 Where under the provisions of section 12 or 13 of...
- 2 . . . . .
- 3 Regulations under section 100 of the Education Act 1944 may...
- 4 Regulations under section 27 of the Education Act 1980 may...
- 4A Where, under section 113A of the Learning and Skills Act...

*Private sector (England and Wales)*

- 5 (1) In the case of an establishment in England and...

*Public and private sectors (Scotland)*

- 6 Any application for a transitional exemption order made by the...
- 7 An application under paragraph 6 shall specify the transitional period...
- 8 The Secretary of State on any application under paragraph 6...
- 9 The Commission on any application under paragraph 6 may if...

SCHEDULE 3 — Equal Opportunities Commission

*Incorporation and status*

- 1 On the appointment by the Secretary of State of the...
- 2 (1) The Commission is not an emanation of the Crown,...

*Tenure of office of Commissioners*

- 3 (1) A Commissioner shall hold and vacate his office in...

*Tenure of office of chairman and deputy chairmen*

- 4 (1) The chairman and each deputy chairman shall hold and...

*Remuneration of Commissioners*

- 5 The Secretary of State may pay, or make such payments...
- 6 Where a person ceases to be a Commissioner otherwise than...

*Additional Commissioners*

- 7 (1) Paragraphs 2(2), 3(1) and (6), and 6 shall apply...

*Staff*

- 8 The Commission may, after consultation with the Secretary of State,...
- 9 (1) Employment with the Commission shall be included among the...
- 10 The Employers' Liability (Compulsory Insurance) Act 1969 shall not require...

*Proceedings and business*

- 11 (1) Subject to the provisions of this Act, the Commission...
- 12 The validity of any proceedings of the Commission shall not...
- 13 The quorum for meetings of the Commission shall in the...

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*Finance*

- 14 The Secretary of State shall pay to the Commission expenses...
- 15 (1) The accounting year of the Commission shall be the...

*Disqualification Acts*

- 16 (1) In Part II of Schedule 1 to the House...

SCHEDULE 4 — Transitional Provisions

- 1 Section 12 does not apply, as respects any organisation,—
- 2 Until 1st January 1978, section 12(2) does not apply to...
- 3 (1) Until a date specified by order made by the...
- 4 (1) If the responsible body for any educational establishment which...
- 5 (1) Section 6 of the Equal Pay Act 1970 (as...

SCHEDULE 5 — MINOR AND CONSEQUENTIAL AMENDMENTS

*Factories Act 1961 (c. 34)*

- 1 In section 15(2) (unfenced machinery : operations carried out by...
- 2 .....
- 3 .....
- 4 .....

SCHEDULE 6 — FURTHER REPEALS

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