Sex Discrimination Act 1975 (repealed)

1975 CHAPTER 65

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Special cases

17 Police.

(1) For the purposes of this Part, the holding of the office of constable shall be treated as employment—

(a) by the chief officer of police as respects any act done by him in relation to a constable or that office;

(b) by the police authority as respects any act done by them in relation to a constable or that office.

(2) Regulations made under **[**[F1]section 50, 51 or 52 of the Police Act 1996**]** shall not treat men and women differently except—

(a) as to requirements relating to height, uniform or equipment, or allowances in lieu of uniform or equipment, or

(b) so far as special treatment is accorded to women in connection with pregnancy or childbirth, or

(c) in relation to pensions to or in respect of special constables or police cadets.

(3) Nothing in this Part renders unlawful any discrimination between male and female constables as to matters such as are mentioned in subsection (2)(a).

(4) There shall be paid out of the police fund—

(a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under this Act, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required by a chief officer of police for the settlement of any claim made against him under this Act if the settlement is approved by the police authority.

(5) Any proceedings under this Act which, by virtue of subsection (1), would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of that office; and references in subsection (4) to the chief officer of police shall be construed accordingly.

(6) Subsections (1) and (3) apply to a police cadet and appointment as a police cadet as they apply to a constable and the office of constable.

(7) In this section—

"chief officer of police"—

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in **[**[F2]the Police Act 1996**]**,

[[F3](aa) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,**]**

(b) in relation to any other person or appointment means the officer who has the direction and control of the body of constables or cadets in question;

"police authority"—

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in **[**[F2]the Police Act 1996**]**,

(b) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid;

"police cadet" means any person appointed to undergo training with a view to becoming a constable;

"police fund" in relation to a chief officer of police within paragraph (a) of the above definition of that term has the same meaning as in **[**[F2]the Police Act 1996**][**[F4], in relation to a chief officer of police within paragraph (aa) of that definition means the service fund established under section 16 or, as the case may be, 61 of the Police Act 1997**]**, and in any other case means money provided by the police authority;

"specified Act" means the [M1]Metropolitan Police Act 1829, the [M2]City of London Police Act 1839 or **[**[F2]the Police Act 1996**]**.

(8) In the application of this section to Scotland, in subsection (7) for any reference to **[**[F5]the Police Act 1996**]** there shall be substituted a reference to the [M3]Police (Scotland) Act 1967, and for the reference to **[**[F6]sections 50, 51 and 52**]** of the former Act in subsection (2) there shall be substituted a reference to sections 26 and 27 of the latter Act.

Textual Amendments

F1 Words in s. 17(2) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II para. 27(2)**

F2 Words in s. 17(7) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II para. 27(3)**

F3 S. 17(7): in the definition of
"chief officer of police"

para (aa) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 31(a)**; S.I. 1998/354, **art. 2(2)(bc)**

F4 S. 17(7): words in definition of "police fund" inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 31(b)**; S.I. 1998/354, **art. 2(2)(bc)**

F5 Words in s. 17(8) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II para. 27(4)**

F6 Words in s. 17(8) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II para. 27(4)**

Marginal Citations

M1 1829 c. 44.

M2 1839 c. xciv.

M3 1967 c. 77.

18 Prison officers.

(1) Nothing in this Part renders unlawful any discrimination between male and female prison officers as to requirements relating to height.

[X1](2) In section 7(2) of the [M4]Prison Act 1952 the words "and if women only are recieved in a prison the Governor shall be a woman" are repealed.

Editorial Information

X1 The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 1952 c. 52.

19 Ministers of religion etc.

(1) Nothing in this Part applies to employment for purposes of an organised religion where the employment is limited to one sex so as to comply with the doctrines of the religion or avoid offending the religious susceptibilities of a significant number of its followers.

(2) Nothing in section 13 applies to an authorisation or qualification (as defined in that section) for purposes of an organised religion where the authorisation or qualification is limited to one sex so as to comply with the doctrines of the religion or avoid offending the religious susceptibilities of a significant number of its followers.

[[F7](3) In relation to discrimination falling within section 2A, this Part does not apply to employment for purposes of an organised religion where the employment is limited to persons who are not undergoing and have not undergone gender reassignment, if the limitation is imposed to comply with the doctrines of the religion or avoid offending the religious susceptibilities of a significant number of its followers.

(4) In relation to discrimination falling within section 2A, section 13 does not apply to an authorisation or qualification (as defined in that section) for purposes of an organised religion where the the authorisation or qualification is limited to persons who are not undergoing and have not undergone gender reassignment, if the limitation

is imposed to comply with the doctrines of the religion or avoid offending the religious susceptibilities of a significant number of its followers.**]**

Textual Amendments

F7 S. 19(3)(4) inserted (1.5.1999) by S.I. 1999/1102, **reg. 5**

20 Midwives.

(1) **[**[F8]Until 1st September 1983**]**Section 6(1) does not apply to employment as a midwife.

(2) **[**[F8]Until 1st September 1983**]**Section 6(2)(a) does not apply to promotion, transfer or training as a midwife.

(3) **[**[F8]Until 1st September 1983**]**Section 14 does not apply to training as a midwife.

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

Textual Amendments

F8 Words inserted by S.I. 1983/1202, **art. 2**

F9 S. 20(4)(5), Sch. 5 para. 2 repealed by Nurses, Midwives and Health Visitors Act 1979 (c. 36, SIF 83:1), **Sch. 8**

[X2]21 Mineworkers.

[F10](1) . . . . . .

[F11](2) . . . . . .

Editorial Information

X2 The insertion of the new cross-heading "Relationships which have come to an end" on 19.7.2003 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

F10 S. 21(1) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. III**

F11 S. 21(2) repealed (20.11.1993) by Coal Industry Act 1992 (c. 17), s. 3(3), **Sch. Pt.II**; S.I. 1993/2514, **art.2**.

Status:
Point in time view as at 01/05/1999.

Changes to legislation:
There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Special cases.