



Sex Discrimination Act 1975 (repealed)

1975 CHAPTER 65

PART III

DISCRIMINATION IN OTHER FIELDS

Education

22 **Discrimination by bodies in charge of educational establishments.**

—It is unlawful in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the “responsible body”) to discriminate against a woman—

- (a) in the terms on which it offers to admit her to the establishment as a pupil, or
- (b) by refusing or deliberately omitting to accept an application for her admission to the establishment as a pupil, or
- (c) where she is a pupil of the establishment—
 - (i) 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
 - (ii) by excluding her from the establishment or subjecting her to any other detriment.

TABLE

<i>Establishment</i>	<i>Responsible body</i>
England and Wales	
1. Educational establishment maintained by a local education authority.	Local education authority or [F1managers or]governors, according to which of them has the function in question.
2. Independent school not being a special school.	Proprietor.

Status: Point in time view as at 01/11/1996. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Education. (See end of Document for details)

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|---|--|
| 3. Special school not maintained by a local education authority. | Proprietor. |
| [^{F2} 3A. Grant-maintained school.] | [^{F2} Governing body.] |
| [_{F3} | [_{F3} |
| 3B. Institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).] | Governing body.] |
| 4. University. | Governing body. |
| [^{F4} 4A. Institution other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).] | [^{F4} Governing body.] |
| 5. Establishment (not falling within paragraphs 1 [^{F5} to 4A]) providing full-time or part-time education, being an establishment designated under section 24(1). | Governing body. |
| Scotland | |
| 6. Educational establishment managed by an education authority. | Education authority. |
| 7. Educational establishment in respect of which the managers are for the time being receiving grants under section [^{F6} 73(c) or (d)] of the Education (Scotland) Act 1980] | Managers of the educational establishment. |
| [^{F7} 7A. Self-governing school.] | [^{F7} Board of management.] |
| [_{F8} | [_{F8} |
| 7B. College of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management .] | Board of management] |
| [_{F9} | [_{F9} |
| 7C. Designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.] | Governing body] |
| 8. University. | Governing body. |

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9. Independent school.

Proprietor.

10. Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full or part-time school education or further education.

Managers of the educational establishment.

Textual Amendments

- F1** Words repealed (E.W.) by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), [Sch. 1 para. 27](#)
- F2** [S. 22 Table para. 3A](#) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 Pt. I para. 15](#)
- F3** [S. 22 Table para. 3B](#) inserted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para. 76\(1\)\(2\)](#); S.I. 1992/831, art. 2, [Sch. 1](#).
- F4** [S. 22 Table para. 4A](#) substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para. 76\(1\)\(3\)](#); S.I. 1992/831, art. 2, [Sch. 1](#).
- F5** Words in [s. 22 Table para. 5](#) substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para. 76\(1\)\(4\)](#); S.I. 1992/831, art. 2, [Sch. 1](#)
- F6** Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), [Sch. 4 para. 6](#)
- F7** [S. 22 Table para. 7A](#) inserted (S.) by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), [Sch. 10 para. 5\(2\)](#)
- F8** [S. 22 Table para. 7B](#) inserted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), [Sch. 9 para. 4\(2\)\(a\)](#); S.I. 1992/817, art. 3(2), [Sch. 1](#).
- F9** [S. 22 Table para. 7C](#) inserted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), [Sch. 9 para. 4\(2\)\(b\)](#); S.I. 1992/817, art. 3(2), [Sch. 1](#).

Modifications etc. (not altering text)

- C4** [S. 22](#) applied (E.W.) (1.4.1994) by S.I. 1994/653, reg. 42(1), [Sch. Pt. I](#)
- C5** [S. 22](#) applied (E.W.) (9.5.1994) by S.I. 1994/1084, reg. 8, [Sch. 2 Pt. I](#)
- C6** [S. 22 Table paras. 1-5](#) modified (23.4.1999) by S.I. 1999/988, [art. 2](#)

[^{F10}22A Meaning of pupil in section 22.

For the purposes of section 22, “pupil” includes, in England and Wales, any person who receives education at a school or institution to which that section applies.]

Textual Amendments

- F10** [S. 22A](#) inserted (1.8.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para. 77](#); S.I. 1992/831, art. 2, [Sch. 4](#)

23 Other discrimination by local education authorities. **E+W**

- (1) It is unlawful for a local education authority, in carrying out such of its functions under [^{F11}the Education Acts] as do not fall under section 22, to do any act which constitutes sex discrimination.
- (2) It is unlawful for an education authority, in carrying out such of its functions under [^{F12}the Education (Scotland) [^{F13}Act 1980]] as do not fall under section 22, to do any act which constitutes sex discrimination.

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Textual Amendments

- F11** Words in s. 23(1) substituted (1.11.1996) by 1996 c. 56, s. 582(1), **Sch. 37 Pt. I para. 31** (with s. 1(4))
- F12** Words substituted by [Education Act 1980](#) (c. 20, SIF 41:1), **s. 33(2)**
- F13** Words substituted (S.) by [Education \(Scotland\) Act 1980](#) (c. 44), **Sch. 4 para. 7**

23 Other discrimination by local education authorities. **S**

- (1) It is unlawful for a local education authority, in carrying out such of its functions under [^{F44}the Education Acts] as do not fall under section 22, to do any act which constitutes sex discrimination.
- (2) It is unlawful for an education authority, in carrying out such of its functions under [^{F45}the Education (Scotland) [^{F46}Act 1980]] as do not fall under section 22, to do any act which constitutes sex discrimination.

Extent Information

- E1** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F44** Words in s. 23(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch.37 Pt. I para. 31** (with s. 1(4))
- F45** Words substituted by [Education Act 1980](#) (c. 20, SIF 41:1), **s. 33(2)**
- F46** Words substituted (S.) by [Education \(Scotland\) Act 1980](#) (c. 44), **Sch. 4 para. 7**

[^{F14}23A] Discrimination by Further Education and Higher Education Funding Councils

It is unlawful for the Further Education Funding Council for England, the Further Education Funding Council for Wales, the Higher Education Funding Council for England or the Higher Education Funding Council for Wales in carrying out their functions under [^{F15}the Education Acts]], to do any act which constitutes sex discrimination.

Textual Amendments

- F14** **S. 23A** inserted (6.5.1992) by [Further and Higher Education Act 1992](#) (c. 13), s. 93(1), **Sch. 8 Pt. II para. 78**; S.I. 1992/831, art. 2, **Sch. 1**
- F15** Words in **s. 23A** substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 32** (with s. 1(4))

[^{F16}23B] Discrimination by Scottish Further and Higher Education Funding Councils.

It is unlawful for the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council in carrying out any of their functions to do any act which constitutes sex discrimination.]

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Textual Amendments

F16 S. 23B inserted (1.6.1992 so far as relating to Scottish Higher Education Funding Council) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\), s. 62\(2\), Sch. 9 para. 4\(3\)](#); S.I. 1992/817, art. 3(2), [Sch. 2](#)

VALID FROM 03/10/2005

[^{F17}23BADiscrimination by Scottish Further and Higher Education Funding Council

It is unlawful for the Scottish Further and Higher Education Funding Council in carrying out any of its functions to do any act which constitutes sex discrimination.]

Textual Amendments

F17 S. 23BA inserted (3.10.2005) by [The Further and Higher Education \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2005 \(S.I. 2005/2077\), art. 4](#)

[^{F18}23C Discrimination by Funding Agency for Schools or Schools Funding Council for Wales.

It is unlawful for the Funding Agency for Schools or the Schools Funding Council for Wales in carrying out their functions imposed by or under the Education Acts to do any act which constitutes sex discrimination.]

Textual Amendments

F18 S. 23C substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\), Sch. 37 Pt. I para. 33](#) (with s. 1(4))

[^{F19}23D Discrimination by Teacher Training Agency.

It is unlawful for the Teacher Training Agency in carrying out their functions under Part I of the Education Act 1994 to do any act which constitutes sex discrimination.]

Textual Amendments

F19 S. 23D inserted (21.9.1994) by [1994 c. 30, s. 24, Sch. 2 para. 5\(3\)](#); S.I. 1994/2204, [art. 2](#)

24 Designated establishments.

- (1) The Secretary of State may by order designate for the purposes of paragraph 5 of the table in section 22 such establishments of the description mentioned in that paragraph as he thinks fit.
- (2) An establishment shall not be designated under subsection (1) unless—
 - (a)

^{F20}

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- (b) it is an establishment in respect of which grants are payable out of money provided by Parliament, or
 - (c) it is assisted by a local education authority [^{F21}for the purposes]of [^{F22}the Education Act 1996], or
 - (d) it provides full-time education for persons who have attained the upper limit of compulsory school age but not the age of nineteen.
- (3) A designation under subsection (1) shall remain in force until revoked notwithstanding that the establishment ceases to be within subsection (2).

Textual Amendments

- F20** S. 24(2)(a) repealed by Education Reform Act 1988 (c.40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 12 Pt. III para. 73(a), **Sch. 13 Pt. II**
- F21** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 73(b)**
- F22** Words in s. 24(2)(c) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 34** (with s. 1(4))

25 General duty in public sector of education.

- (1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without sex discrimination.
- (2) The following provisions of [^{F23}the Education Act 1996], namely—
- (a) [^{F24}section 496] (power of Secretary of State to require duties under that Act to be exercised reasonably), and
 - (b) [^{F25}section 497] (powers of Secretary of State where local education authorities etc. are in default),
- shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 [^{F26}23, 23A, 23C and 23D] and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act.
- (3) Section [^{F27}70 of the Education (Scotland) Act 1980] (power of the Secretary of State to require duties in that Act to be exercised) shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 and 23 and shall also apply to the performance of the general duty imposed by subsection (1), as the [^{F27}said section 70] applies to the performance by an education authority of a duty imposed by that Act.
- (4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach of the general duty in subsection (1), but without prejudice to the enforcement of sections 22 [^{F28}23, 23A, 23C and 23D] under section 66 or otherwise (where the breach is also a contravention of [^{F29}any] of those sections).
- (5) The Secretary of State shall have the power to cause a local inquiry to be held into any matter arising from subsection (3) under section [^{F30}67 of the Education (Scotland) Act 1980.]
- (6) Subsection (1) applies to—

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- (a) local education authorities in England and Wales;
- (b) education authorities in Scotland;
- (c) any other body which is a responsible body in relation to—
 - (i) an establishment falling within paragraph 1, 3 [F313A][F323B][F33, F347, 7A, 7B or 7C]] of the table in section 22;
 - (ii) an establishment designated under section 24(1) as falling within paragraph . . . F35(c) of section 24(2);
 - (iii) an establishment designated under section 24(1) as falling within paragraph (b) of section 24(2) where the grants in question are payable under [F36section 485 of the Education Act 1996][F37(d) the Further Education Funding Council for England and the Further Education Funding Council for Wales.]
- [F38(e) the Funding Agency for Schools and the Schools Funding Council for Wales.]
- [F39(f) the Teacher Training Agency.]

Textual Amendments

- F23** Words in s. 25(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(a)**
- F24** Words in s. 25(2)(a) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(b)**
- F25** Words in s. 25(2)(b) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(c)**
- F26** Words in s. 25(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(d)**
- F27** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(a)**
- F28** Words in s. 25(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(3)(a)**
- F29** Word in s. 25(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(3)(b)**
- F30** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(b)**
- F31** “3A” inserted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. I para. 16**
- F32** Words in s. 25(6)(c)(i) (which were inserted by Education Reform Act 1988 (c. 40), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 74(a)**) substituted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 79(1)(a)**, S.I. 1992/831, art. 2, Sch. 1
- F33** Words in s. 25(6)(c)(i) substituted (S.) by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), s. 82(1), **Sch. 10 para. 5(3)**.
- F34** Words in s. 25(6)(c)(i) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 4(4)**; S.I. 1992/817, art. 3(2), **Sch. 1**.
- F35** “(a) or” repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 12 Pt. III para. 74(b), **Sch. 13 Pt. II**
- F36** Words in s. 25(6)(c)(iii) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(4)(a)**
- F37** S. 25(6)(d) added (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Part II para. 79(1)(b)**; S.I. 1992/831, art. 2, **Sch. 1**
- F38** S. 25(6)(e) added (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(4)(b)**
- F39** S. 25(6)(f) inserted (21.9.1994) by 1994 c. 30, s. 24, **Sch. 2 para. 5(4)(b)**; S.I. 1994/2204, art. 2

Modifications etc. (not altering text)

- C7** S. 25 applied (E.W.)(1.4.1994) by S.I. 1994/653, reg. 42, **Sch. Pt. I**
S. 25 applied (E.W.)(9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**

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- S. 25: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C8** S. 25(2) modified (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 79(2)**; S.I. 1992/831, art. 2, **Sch. 1**

VALID FROM 28/07/2000

[^{F40}25A General duty: post-16 education and training etc.

- (1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without sex discrimination.
- (2) Facilities falling within this subsection are facilities for—
 - (a) education,
 - (b) training, and
 - (c) organised leisure-time occupation connected with such education or training, the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
- (3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).]

Textual Amendments

- F40** S. 25A inserted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales otherwise) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 6**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with savings and transitional provisions in art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with savings and transitional provisions in art. 3)

26 Exception for single-sex establishments.

- (1) Sections 22(a) and (b) and 25 do not apply to the admission of pupils to any establishment (a “single-sex establishment”) which admits pupils of one sex only, or which would be taken to admit pupils of one sex only if there were disregarded pupils of the opposite sex—
 - (a) whose admission is exceptional, or
 - (b) whose numbers are comparatively small and whose admission is confined to particular courses of instruction or teaching classes.
- (2) Where a school which is not a single-sex establishment has some pupils as boarders and others as non-boarders, and admits as boarders pupils of one sex only (or would be taken to admit as boarders pupils of one sex only if there were disregarded boarders of the opposite sex whose numbers are comparatively small), sections 22(a) and (b) and 25 do not apply to the admission of boarders and sections 22(c)(i) and 25 do not apply to boarding facilities.

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- (3) Where an establishment is a a single-sex establishment by reason of its inclusion in subsection (1)(b), the fact that pupils of one sex are confined to particular courses of instruction or teaching classes shall not be taken to contravene section 22(c)(i) or the duty in section 25.

[^{F41}(4) In this section, as it applies to an establishment in England and Wales, “pupil” includes any person who receives education at that establishment.]

Textual Amendments

F41 S. 26(4) added (1.8.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. II para. 80; S.I. 1992/831, art. 2, Sch. 4

27 Exception for single-sex establishments turning co-educational.

- (1) Where at any time—
- (a) the responsible body for single-sex establishment falling within column 1 of the table in section 22 determines to alter its admissions arrangements so that the establishment will cease to be a single-sex establishment, or
 - (b) section 26(2) applies to the admission of boarders to a school falling within column 1 of that table but the responsible body determines to alter its admissions arrangements so that section 26(2) will cease so to apply,
- the responsible body may apply in accordance with Schedule 2 for an order (a “transitional exemption order”) authorising discriminatory admissions during the transitional period specified in the order.
- (2) Where during the transitional period specified in a transitional exemption order applying to an establishment the responsible body refuses or deliberately omits to accept an application for the admission of a person to the establishment as a pupil the refusal or omission shall not be taken to contravene any provision of this Act.
- (3) Subsection (2) does not apply if the refusal or omission contravenes any condition of the transitional exemption order.
- (4) Except as mentioned in subsection (2), a transitional exemption order shall not afford any exemption from liability under this Act.
- (5) Where, during the period between the making of an application for a transitional exemption order in relation to an establishment and the determination of the application, the responsible body refuses or deliberately omits to accept an application for the admission of a person to the establishment as a pupil the refusal or omission shall not be taken to contravene any provision of this Act.

[^{F42}(6) In this section, as it applies to an establishment in England and Wales, “pupil” includes any person who receives education at that establishment.]

Textual Amendments

F42 S. 27(6) added (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93(1), Sch. 8 Pt. II para. 81; S.I. 1992/831, art. 2, Sch. 3.

Status: Point in time view as at 01/11/1996. This version of this cross

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Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Education. (See end of Document for details)

28 Exception for physical training.

Sections 22, 23 and 25 do not apply to any [^{F43} course in physical education which is a further education course or, in England and Wales, a higher education course within the meaning of the Education Reform Act 1988.]

Textual Amendments

F43 Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 75**

Status:

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Changes to legislation:

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