



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART III

#### DISCRIMINATION IN OTHER FIELDS

##### *Education*

#### 22 <sup>F1</sup>... Bodies in charge of educational establishments.

<sup>F2</sup>(1) —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 <sup>F3</sup> local authority].	<sup>F3</sup> local authority] or <sup>F4</sup> managers or <sup>F5</sup> governing body], according to which of them has the function in question.
2. Independent school not being a special school.	Proprietor.

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3. Special school not maintained by a [ <sup>F3</sup> local authority].	Proprietor.
<sup>F6</sup>	<sup>F6</sup>
3A. . . .	. . . .
[ <sup>F7</sup>	[ <sup>F7</sup>
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.
[ <sup>F8</sup> 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).]	[ <sup>F8</sup> Governing body.]
5. Establishment (not falling within paragraphs 1 [ <sup>F9</sup> 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 [ <sup>F10</sup> 73(c)or(d) of the Education (Scotland) Act 1980]	Managers of the educational establishment.
<sup>F11</sup>	<sup>F11</sup>
. . . .	. . . .
[ <sup>F12</sup>	[ <sup>F12</sup>
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]
[ <sup>F13</sup>	[ <sup>F13</sup>
7C. Designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.]	Governing body]

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8. University.	Governing body.
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.

- [<sup>F14</sup>(2) It is unlawful for the governing body of an institution of further or higher education to discriminate against a woman in the arrangements it makes for the purpose of selecting people for admission to the institution.
- (3) It is unlawful for the governing body of an institution of further or higher education to subject a woman to harassment if that woman is a student at the institution or has applied for admission to the institution.
- (4) In subsections (2) and (3) “ institution of further or higher education ” means—
- (a) in England and Wales, an establishment falling within column 1 of paragraph 3B, 4 or 4A of the table in subsection (1);
  - (b) in Scotland—
    - (i) a college of further education within the meaning given by section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management within the meaning of Part I of that Act,
    - (ii) a college of further education managed by an education authority in the exercise of its functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980,
    - (iii) any other educational establishment (not being a school) which provides further education within the meaning of section 1 of the Further and Higher Education (Scotland) Act 1992,
    - (iv) an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992), or
    - (v) a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980).]

#### Textual Amendments

- F1** S. 22: words in heading omitted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 22(1)**
- F2** S. 22 renumbered (1.10.2005) as s. 22(1) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 21(2)**
- F3** Words in s. 22 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 29(2)**
- F4** Words repealed (E.W.) by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), **Sch. 1 para. 27**
- F5** S. 22: words in Table para. 1 substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para. 5** (with ss. [138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**
- F6** S. 22: Table para. 3A repealed (1.9.1999) by [1998 c. 31, s. 140\(3\)](#), **Sch. 31** (with ss. [138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**

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- F7** 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**.
- F8** 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**.
- F9** 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**.
- F10** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 6**
- F11** S. 22 Table para. 7A repealed (S.) (31.12.2004) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3; S.S.I. 2004/528, **art. 2(b)**
- F12** 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**.
- F13** 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**.
- F14** S. 22(2)-(4) inserted (1.10.2005) by The Employment Equality (Sex Discrimination) Regulations 2005 (S.I. 2005/2467), **reg. 21(3)**

#### 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**

#### [<sup>F15</sup>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

- F15** 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 [<sup>F16</sup>local authority], in carrying out such of its functions under [<sup>F17</sup>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 [<sup>F18</sup>the Education (Scotland) [<sup>F19</sup>Act 1980]]as do not fall under section 22, to do any act which constitutes sex discrimination.

#### Textual Amendments

- F16** Words in s. 23 substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 29(2)**
- F17** 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))
- F18** Words substituted by Education Act 1980 (c. 20, SIF 41:1), **s. 33(2)**
- F19** Words substituted (S.) by Education (Scotland) Act 1980 (c. 44), **Sch. 4 para. 7**

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

- (1) It is unlawful for a [<sup>F16</sup>local authority], in carrying out such of its functions under [<sup>F81</sup>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 [<sup>F82</sup>the Education (Scotland) [<sup>F83</sup>Act 1980]] as do not fall under section 22, to do any act which constitutes sex discrimination.

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F16** Words in s. 23 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 29(2)**
- F81** 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))
- F82** Words substituted by [Education Act 1980](#) (c. 20, SIF 41:1), **s. 33(2)**
- F83** Words substituted (S.) by [Education \(Scotland\) Act 1980](#) (c. 44), **Sch. 4 para. 7**

## [<sup>F21</sup>23A [<sup>F20</sup>Discrimination by further and higher education funding bodies]

It is unlawful for the the [<sup>F22</sup>Young People's Learning Agency for England, the Chief Executive of Skills Funding][<sup>F23</sup>, <sup>F24</sup> . . . ,] the Higher Education Funding Council for England or the Higher Education Funding Council for Wales in carrying out their functions under [<sup>F25</sup>the Education Acts ]<sup>F26</sup> . . . , [<sup>F27</sup>and for the [<sup>F28</sup>Welsh Ministers in carrying out their functions] under Part 2 of the Learning and Skills Act 2000"] to do any act which constitutes sex discrimination.

### Textual Amendments

- F20** S. 23A title substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010](#) (S.I. 2010/1080), art. 1(2)(a)(b), **Sch. 1 para. 6(c)** (with art. 2(3))
- F21** 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**
- F22** S. 23A substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010](#) (S.I. 2010/1080), art. 1(2)(a)(b), **Sch. 1 para. 6(a)** (with art. 2(3))
- F23** Words in s. 23A substituted (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. 5(a)**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (subject to art. 3)
- F24** Words in s. 23A omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3238), art. 9(1), **Sch. 1 para. 4** (with transitional provisions in art. 7)
- F25** 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))

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- F26** Words in s. 23A repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b)(b), Sch. 1 para. 6(b), **2 Pt. 1** (with art. 2(3))
- F27** Words in s. 23A inserted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 4** (with transitional provisions in art. 7)
- F28** Words in s. 23A substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 5** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))

**23B Discrimination by Scottish Further and Higher Education Funding Councils.**

**F29** .....

**Textual Amendments**

- F29** S. 23B repealed (S.) (3.10.2005) by [Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#), ss. 32, 36, **Sch. 3 para. 3**; S.S.I. 2005/419, **art. 2**

**[<sup>F30</sup>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**

- F30** 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**

**[<sup>F31</sup>23C** .....

**Textual Amendments**

- F31** S. 23C repealed (1.9.1999) by [1998 c. 31, s. 140\(3\)](#), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**[<sup>F32</sup>23D Discrimination by [<sup>F33</sup>Training and Development Agency for Schools].**

It is unlawful for the [<sup>F33</sup>Training and Development Agency for Schools] in carrying out their functions under [<sup>F34</sup>any enactment] to do any act which constitutes sex discrimination.]

**Textual Amendments**

- F32** S. 23D inserted (21.9.1994) by [1994 c. 30, s. 24](#), **Sch. 2 para. 5(3)**; S.I. 1994/2204, **art. 2**

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- F33** S. 23D: words "in the section and in the heading" substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), ss. 98, 125(3), [Sch. 14 para. 5](#)
- F34** Words in s. 23D substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 98, [Sch. 14 para. 5](#)

## 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—
- <sup>F35</sup> . . . . .
  - it is an establishment in respect of which grants are payable out of money provided by Parliament, or
  - it is assisted by a [<sup>F36</sup>local authority][<sup>F37</sup>for the purposes]of [<sup>F38</sup>the Education Act 1996], or
  - it provides full-time education for persons who have attained the upper limit of compulsory school age [<sup>F39</sup>(construed in accordance with section 8 of the Education Act 1996)] 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

- F35** 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](#)
- F36** Words in s. 24 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 29\(2\)](#)
- F37** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 Pt. III para. 73\(b\)](#)
- F38** 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))
- F39** Words in s. 24(2)(d) inserted (1.9.1997) by 1996 c. 56, s. 582(1)(4), [Sch. 37 Pt. II para. 137](#) (with s. 1(4), [Sch. 40 para. 1](#), which [Sch. 40](#) was repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), [Sch. 30 para. 189\(g\)](#), [Sch. 31](#)); S.I. 1997/1623, [art. 2\(2\)](#)

## 25 General duty in public sector of education. **E+W**

- (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 [<sup>F40</sup>the Education Act 1996], namely—
- [<sup>F41</sup>section 496] (power of Secretary of State to require duties under that Act to be exercised reasonably), and
  - [<sup>F42</sup>section 497] (powers of Secretary of State where [<sup>F43</sup>local 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 [<sup>F44</sup>23, 23A, <sup>F45</sup>. . . and 23D] and shall also apply to

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the performance of the general duty imposed by subsection (1), as they apply to the performance by a [<sup>F43</sup>local authority] of a duty imposed by that Act.

- (3) Section [<sup>F46</sup>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 [<sup>F46</sup>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 [<sup>F47</sup>23, 23A, <sup>F45</sup> . . . and 23D] under section 66 or otherwise (where the breach is also a contravention of [<sup>F48</sup>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 [<sup>F49</sup>67 of the Education (Scotland) Act 1980.]
- (6) Subsection (1) applies to—
- (a) [<sup>F50</sup>local 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 <sup>F51</sup> . . . [<sup>F52</sup>3B][<sup>F53</sup>, [<sup>F54</sup>7, 7A, 7B or 7C]] of the table in section 22;
    - (ii) an establishment designated under section 24(1) as falling within paragraph . . . <sup>F55</sup>(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 [<sup>F56</sup>section 485 of the Education Act 1996]
  - <sup>F57</sup>(d) . . . . .
  - <sup>F58</sup>(e) . . . . .
  - [<sup>F59</sup>(f) the Training and Development Agency for Schools.]

#### Extent Information

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

#### Textual Amendments

- F40** 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)**
- F41** 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)**
- F42** 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)**
- F43** Words in s. 25(2) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 29(3)**
- F44** 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)**
- F45** Word in s. 25(2)(4) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**



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- F46** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(a)**
- F47** 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)**
- F48** 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)**
- F49** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(b)**
- F50** Words in s. 25(6) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 29(3)**
- F51** Word in s. 25(6)(c)(i) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F52** 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
- F53** 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)**.
- F54** 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**.
- F55** "(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**
- F56** 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)**
- F57** S. 25(6)(d) repealed (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales) by 2000 c. 21, ss. 153, 154, **Sch. 11**; 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)
- F58** S. 25(6)(e) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F59** Words in s. 25 substituted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125(3)(a), **Sch. 14 para. 6**

#### 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**
- C8** S. 25: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C9** 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**

## 25 General duty in public sector of education. **S**

- (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 [<sup>F84</sup>the Education Act 1996], namely—
- [<sup>F85</sup>section 496] (power of Secretary of State to require duties under that Act to be exercised reasonably), and
  - [<sup>F86</sup>section 497] (powers of Secretary of State where [<sup>F43</sup>local 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 [<sup>F87</sup>23, 23A, <sup>F88</sup>. . . 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 [<sup>F43</sup>local authority] of a duty imposed by that Act.

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- (3) Section [F8970 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 [F89said 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 [F9023, 23A, F88 . . . and 23D] under section 66 or otherwise (where the breach is also a contravention of [F91any] 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 [F9267 of the Education (Scotland) Act 1980.]
- (6) Subsection (1) applies to—
- (a) [F50local 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 F93 . . . [F943B][F95, [F96or 7] 7B or 7C] of the table in section 22;
    - (ii) an establishment designated under section 24(1) as falling within paragraph . . . F97(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 [F98section 485 of the Education Act 1996][F99(d) the Further Education Funding Council for England and the Further Education Funding Council for Wales.]
  - F100(e) . . . . .
  - [F59(f) the Training and Development Agency for Schools.]

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F43** Words in s. 25(2) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 29(3)**
- F50** Words in s. 25(6) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 29(3)**
- F59** Words in s. 25 substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), ss. 98, 125(3)(a), **Sch. 14 para. 6**
- F84** 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)**
- F85** 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)**
- F86** 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)**
- F87** 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)**

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- F88** Word in s. 25(2)(4) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F89** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(a)**
- F90** 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)**
- F91** 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)**
- F92** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(b)**
- F93** Word in s. 25(6)(c)(i) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F94** 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
- F95** 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)**.
- F96** Words in s. 25(6)(c)(i) substituted (31.12.2004) by 2000 asp 6, ss. 60(2), 61(3), Sch. 2 para. 2(2); S.S.I. 2004/528, **art. 2**
- F97** “(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**
- F98** 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)**
- F99** S. 25(6)(d) repealed (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and otherwise *prosp.*) by 2000 c. 21, ss. 153, 154, **Sch. 1**
- F100** S. 25(6)(e) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**Modifications etc. (not altering text)**

- C11** 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**
- C12** S. 25: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C13** 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**

**[<sup>F60</sup>25A General duty: post-16 education and training etc.**

- (1) The <sup>F61</sup> ... [<sup>F62</sup><sup>F63</sup> Welsh Ministers ] 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 <sup>F64</sup> ... [<sup>F65</sup> the [<sup>F66</sup> Welsh Ministers by virtue of their functions ] under Part 2 of the Learning and Skills Act 2000 ] .

<sup>F67</sup>[<sup>F68</sup>( 3 ) . . . . .

- (4) There shall be no sanction for breach of the general duty in subsection (1) by the [<sup>F69</sup>Welsh Ministers].
- (5) [<sup>F70</sup> substitute “Subsection (4) is] without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).]]

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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)*

### Textual Amendments

- F60** 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)
- F61** Words in s. 25A(1) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b)(b), **Sch. 1 para. 7(2)**, **2 Pt. 1** (with art. 2(3))
- F62** Words in s. 25A(1) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 5(a)** (with transitional provisions in art. 7)
- F63** Words in s. 25A(1) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 6(2)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F64** Words in s. 25A(2) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b)(b), **Sch. 1 para. 7(3)**, **2 Pt. 1** (with art. 2(3))
- F65** Words in s. 25A(2) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 5(b)** (with transitional provisions in art. 7)
- F66** Words in s. 25A(2) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 6(3)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F67** S. 25A(3) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b)(b), **Sch. 1 para. 7(4)**, **2 Pt. 1** (with art. 2(3))
- F68** S. 25A(3)-(5) substituted (1.4.2006) for s. 25A(3) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 5(c)** (with transitional provisions in art. 7)
- F69** Words in s. 25A(4) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 6(4)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F70** Words in s. 25A(4) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 7(5)** (with art. 2(3))

## 26 Exception for single-sex establishments.

- (1) [<sup>F71</sup>Section 22(1)(a) and (b)] [<sup>F72</sup>, 25 and 25A] 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

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- (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), [F73sections 22(1)(a) and (b)] [F72, 25 and 25A] do not apply to the admission of boarders and [F74sections 22(1)(c)(i)] and 25 do not apply to boarding facilities.
- (3) Where an establishment is 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 [F75or 25A].
- [F76( 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

- F71** Words in s. 26(1) substituted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(4\)\(a\)](#)
- F72** Words in s. 26(1)(2) substituted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales and otherwise *prosp.*) by [2000 c. 21, ss. 149, 154, Sch. 9 para. 7\(1\)\(2\)](#); [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](#))
- F73** Words in s. 26(2) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(4\)\(b\)](#)
- F74** Words in s. 26(2) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(4\)\(b\)](#)
- F75** Words in s. 26(3) inserted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales and otherwise *prosp.*) by [2000 c. 21, ss. 149, 154, Sch. 9 para. 7\(1\)\(3\)](#); [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](#))
- F76** 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 [F77section 22(1)] 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.

[F78(1A) Without prejudice to subsection (1), a transitional exemption order may be made—

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- (a) in accordance with regulations made by virtue of section 21(5) of the Education and Inspections Act 2006 (which relates to the alteration of maintained schools in England), or
  - (b) in accordance with paragraph 21 or 22 of Schedule 6 or paragraph 16 or 17 of Schedule 7 to the School Standards and Framework Act 1998 (which relate to the alteration of maintained schools and the rationalisation of school places in Wales).]
- (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.

<sup>F79</sup>[( 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

- F77** Words in s. 27(1) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(5\)](#)
- F78** S. 27(1A) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 30, 188, [Sch. 3 para. 3](#); [S.I. 2007/935](#), [art. 7\(o\)](#)
- F79** 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](#).

#### Modifications etc. (not altering text)

- C10** S. 27(1) applied (1.9.1999) by [1998 c. 31](#), s. 34, [Sch. 7 Pt. VI para. 16\(6\)](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#)

## 28 Exception for physical training.

F80

#### Textual Amendments

- F80** S. 28 repealed (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 23\(1\)\(a\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Education.