



Sex Discrimination Act 1975 (repealed)

1975 CHAPTER 65

PART VIII

SUPPLEMENTAL

Textual Amendments applied to the whole legislation

- F1** Act repealed (1.10.2010 except for the repeal of ss. 76A-76C and s. 81 so far as it relates to those provisions, 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 27 Pt. 1](#) (with ss. 6(4), 205); S.I. 2010/2317, [art. 2\(15\)\(f\)\(i\)](#) (as amended (1.10.2010) by S.I. 2010/2337, [art. 2](#)); S.I. 2011/1066, [art. 2\(h\)](#) (with savings in S.I. 2010/2279, [art. 14\(6\)](#) and S.I. 2010/2317, [arts. 1\(2\), 10\(8\)\(a\)](#))

^{F1}
^{F2}**76A** **Public authorities: general statutory duty**

- (1) A public authority shall in carrying out its functions have due regard to the need—
- (a) to eliminate unlawful [^{F3}discrimination, harassment and victimisation], and
 - (b) to promote equality of opportunity between men and women.
- (2) In subsection (1)—
- (a) “public authority” includes any person who has functions of a public nature (subject to subsections (3) and (4)),
 - (b) “functions” means functions of a public nature, and
 - ^{F4}(c) “discrimination” means—
 - (i) sex discrimination;
 - (ii) gender reassignment discrimination;
 - (iii) marriage and civil partnership discrimination;
 - (iv) pregnancy and maternity discrimination;
 - (v) a breach of an equality clause.]
 - ^{F5}(d) [“harassment” is any act that is harassment for the purposes of the Equality Act 2010 (“the 2010 Act”) but, in the case of harassment within subsection (1) of section 26, only so far as that subsection relates to sex or gender reassignment.

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- (e) “victimisation” means victimisation where the protected act in question relates to sex, gender reassignment, marriage and civil partnership or pregnancy and maternity.]

[An expression used in subsection (2) and in the 2010 Act has the same meaning in ^{F6}(2A) that subsection as it does in that Act.]

(3) The duty in subsection (1) shall not apply to—

- (a) the House of Commons,
 (b) the House of Lords,
 (c) the Scottish Parliament,

[the National Assembly for Wales,]
^{F7}(ca)

- (d) the General Synod of the Church of England,
 (e) the Security Service,
 (f) the Secret Intelligence Service,
 (g) the Government Communications Headquarters,
 (h) a part of the armed forces of the Crown which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters, or
 (i) a person specified for the purpose of this paragraph by order of the [^{F8}Secretary of State](and a person may be specified generally or only in respect of specified functions).

(4) The duty in subsection (1) shall not apply to the exercise of—

- (a) a function in connection with proceedings in the House of Commons or the House of Lords,
 (b) a function in connection with proceedings in the Scottish Parliament (other than a function of the Scottish Parliamentary Corporate Body),

[a function in connection with proceedings in the National Assembly for Wales
^{F9}(ba) (other than a function of the National Assembly for Wales Commission),]

- (c) a judicial function (whether in connection with a court or a tribunal),
 (d) a function exercised on behalf of or on the instructions of a person exercising a judicial function (whether in connection with a court or a tribunal), or
 (e) a function specified for the purpose of this paragraph by order of the [^{F10}Secretary of State].

(5) Subsection (1)(b) is without prejudice to the effect of any exception to or limitation of the law about sex discrimination.

(6) A failure in respect of performance of the duty under subsection (1) does not confer a cause of action at private law.]]

Textual Amendments

- F2** S. 76A inserted (18.4.2006 for certain purposes and 6.4.2007 in so far as not already in force) by [Equality Act 2006 \(c. 3\), ss. 84\(1\), 93](#) (with s. 92); S.I. 2006/1082, [arts. 2\(h\), 4\(b\)](#)
- F3** Words in s. 76A(1)(a) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [arts. 1\(2\), 14\(2\)](#)
- F4** S. 76A(2)(c) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [arts. 1\(2\), 14\(3\)](#)

Status: Point in time view as at 01/10/2010.

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

- F5** S. 76A(2)(d)(e) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **14(4)**
- F6** S. 76A(2A) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **14(5)**
- F7** S. 76A(3)(ca) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 7(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 \(c. 32\)](#))
- F8** Words in s. 76A(3)(i) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), **Sch. para. 3(3)(c)**
- F9** S. 76A(4)(ba) inserted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 7(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 \(c. 32\)](#))
- F10** Words in s. 76A(4) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), **Sch. para. 3(3)(c)**

^{F1}
^{F11}**76B** **Specific duties**

- (1) The ^{F12}Secretary of State] may by order impose on a person to whom the duty in section 76A(1) applies, or in so far as that duty applies to a person, a duty which the ^{F12}Secretary of State] thinks will ensure better performance of the duty under section 76A(1).
- (2) Before making an order under subsection (1) the ^{F12}Secretary of State] shall consult the Commission.
- (3) The ^{F12}Secretary of State]—
- (a) must consult the ^{F13}Welsh Ministers] before making an order under subsection (1) in respect of a person exercising functions in relation to Wales, and
- (b) may not, without the consent of the ^{F14}Welsh Ministers], make an order under subsection (1) in respect of a person all of whose functions are public functions in relation to Wales.
- (4) A failure in respect of performance of a duty imposed under subsection (1) does not confer a cause of action at private law.]]

Textual Amendments

- F11** S. 76B inserted (18.4.2006 for certain purposes and 6.4.2007 in so far as not already in force) by [Equality Act 2006 \(c. 3\)](#), ss. **85(1)**, 93 (with s. 92); S.I. 2007/1082, arts. **2, 4**
- F12** Words in ss. 76B(1)-(3) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), **Sch. para. 3(3)(d)**
- F13** Words in s. 76B(3)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 8(a)** (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 \(c. 32\)](#))

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F14 Words in s. 76B(3)(b) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, [Sch. 1 para. 8\(b\)](#) (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 \(c. 32\)](#))

^{F1}
^{F15}**76C** **Specific duties: Scotland**

- (1) Section 76B(1) shall not apply in relation to a person who is a relevant Scottish authority or a cross-border authority.
- (2) The ^{F16}Secretary of State may by order impose on a cross-border authority to whom the duty under section 76A(1) applies, or in so far as that duty applies to the cross-border authority, a duty which the ^{F16}Secretary of State thinks will ensure better performance of the duty under section 76A(1), to the extent that the cross-border authority's functions are not Scottish functions.
- (3) The Scottish Ministers may by order impose on a relevant Scottish authority to whom the duty under section 76A(1) applies, or in so far as that duty applies to the relevant Scottish authority, a duty which the Scottish Ministers think will ensure better performance of the duty under section 76A(1).
- (4) The Scottish Ministers may by order impose on a cross-border authority to whom the duty under section 76A(1) applies, or in so far as that duty applies to the cross-border authority, a duty which the Scottish Ministers think will ensure better performance of the duty under section 76A(1), to the extent that the cross-border authority's functions are Scottish functions.
- (5) Before making an order under any of subsections (2) to (4) the person making the order shall consult the Commission.
- (6) Before making an order under subsection (2) the ^{F17}Secretary of State shall consult the Scottish Ministers.
- (7) Before making an order under subsection (4) the Scottish Ministers shall consult the ^{F18}Secretary of State.
- (8) A failure in respect of performance of a duty imposed under this section does not confer a cause of action at private law.
- (9) In this section—

“relevant Scottish authority” means—

 - (a) a member of the Scottish Executive or a junior Scottish Minister,
 - (b) the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland or the Keeper of the Records of Scotland,
 - (c) an office of a description specified in an Order in Council under section 126(8)(b) of the Scotland Act 1998 (c. 46) (other non-ministerial offices in the Scottish Administration), or
 - (d) a public body, public office or holder of a public office—
 - (i) which is not a cross-border authority or the Scottish Parliamentary Corporate Body,
 - (ii) whose functions are exercisable only in or as regards Scotland,

and

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- (iii) some at least of whose functions do not relate to reserved matters (within the meaning of the Scotland Act 1998),
“cross-border authority” means a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998, and
“Scottish functions” means functions which are exercisable in or as regards Scotland and which do not relate to reserved matters (within the meaning of the Scotland Act 1998).]]

Textual Amendments

- F15** S. 76C inserted (18.4.2006 for certain purposes and 6.4.2007 in so far as not already in force) by [Equality Act 2006 \(c. 3\), ss. 85\(1\), 93](#) (with s. 92); S.I. 2007/1082, [arts. 2, 4](#)
- F16** Words in s. 76C(2) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\), art. 1\(2\), Sch. para. 3\(3\)\(e\)](#)
- F17** Words in s. 76C(6) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\), art. 1\(2\), Sch. para. 3\(3\)\(e\)](#)
- F18** Words in s. 76C(7) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\), art. 1\(2\), Sch. para. 3\(3\)\(e\)](#)

^{F1}76D Specific duties: enforcement

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^{F1}76E Codes of practice

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^{F1}77 Validity and revision of contracts.

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^{F1}78 Educational charities in England and Wales.

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^{F1}79 Educational endowments etc. to which Part VI of the Education (Scotland) Act 1962 applies.

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^{F1}80 Power to amend certain provisions of Act.

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[^{F1}81 Orders.

- (1) Any power of the [^{F19}Secretary of State] to make orders under the provisions of this Act (except section ^{F20}... 27, ^{F21}... ^{F22}...) shall be exercisable by statutory instrument.

Status: Point in time view as at 01/10/2010.

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

- (2) An order made by the [^{F19}Secretary of State] under the preceding provisions of this Act (except sections [^{F23}21A,]^{F20} ... 27, ^{F21} ..., ^{F24} ... and 80(1)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [An order under section 21A(5) may not be made unless—
- ^{F25}(2A) (a) the [^{F26}Secretary of State] has consulted the Commission, and
 (b) a draft has been laid before and approved by resolution of each House of Parliament.]
- [An order under section 76A(3)(i) or (4)(e) may not be made unless the [^{F28}Secretary ^{F27}(2B) of State] has consulted the Commission.]
- [An order under section 76C(3) or (4) is subject to annulment in pursuance of a ^{F29}(2C) resolution of the Scottish Parliament.]
- (3) Subsections (1) and (2) do not apply to an order under section 78 or 79, but—
- (a) an order under section 78 which modifies an enactment, and
 (b) any order under section 79 other than one which relates to an endowment to which section [^{F30}115 of the Education (Scotland) Act 1980](small endowments) applies,
- shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) An order under this Act may make different provision in relation to different cases or classes of case, may exclude certain cases or classes of case, and may contain transitional provisions and savings.
- (5) Any power conferred by this Act to make orders includes power (exercisable in the like manner and subject to the like conditions) to vary or revoke any order so made.]

Textual Amendments

- F19** Words in s. 81(1)(2) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 3\(4\)\(a\)](#)
- F20** “14(2)(d),” repealed by [Employment Act 1989](#) (c. 38, SIF 43:1), s. 29(4), [Sch. 7 Pt. II](#)
- F21** “47(4)(b)” repealed by [Sex Discrimination Act 1986](#) (c. 59, SIF 106:1), s. 9, [Sch. Pt. I](#)
- F22** Words in s. 81(1) repealed (1.10.2007) by [Equality Act 2006](#) (c. 3), ss. 40, 91, 93, [Sch. 3 para. 17\(a\)](#), [Sch. 4](#) (with s. 92); S.I. 2007/2603, [art. 2](#) (subject to art. 3)
- F23** Words in s. 81(2) inserted (6.4.2007) by [Equality Act 2006](#) (c. 3), [ss. 83\(3\)\(a\)](#), 93 (with s. 92); S.I. 2006/1082, [art. 4\(a\)](#)
- F24** Words in s. 81(2) repealed (1.10.2007) by [Equality Act 2006](#) (c. 3), ss. 40, 91, 93, [Sch. 3 para. 17\(b\)](#), [Sch. 4](#) (with s. 92); S.I. 2007/2603, [art. 2](#) (subject to art. 3)
- F25** S. 81(2A) inserted (6.4.2007) by [Equality Act 2006](#) (c. 3), [ss. 83\(3\)\(b\)](#), 93 (with s. 92); S.I. 2006/1082, [art. 4\(a\)](#)
- F26** Words in s. 81(2A) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 3\(3\)\(h\)](#)
- F27** S. 81(2B) inserted (6.4.2007) by [Equality Act 2006](#) (c. 3), [ss. 84\(2\)](#), 93 (with s. 92); S.I. 2006/1082, [art. 4\(b\)](#)
- F28** Words in s. 81(2B) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 3\(3\)\(h\)](#)
- F29** S. 81(2C) inserted (6.4.2007) by [Equality Act 2006](#) (c. 3), [ss. 85\(2\)](#), 93 (with s. 92); S.I. 2006/1082, [art. 4\(b\)](#)

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F30 Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), [Sch. 4 para. 10](#)

^{F1}82 **General interpretation provisions.**

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^{F1}83 **Transitional and commencement provisions, amendments and repeals.**

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^{F1}84 **Financial provisions.**

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^{F1}85 **Application to Crown.**

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^{F1}85A **Application to House of Commons staff.**

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^{F1}85B **Application to House of Lords staff.**

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^{F1}86 **Government appointments outside section 6.**

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^{F1}87 **Short title and extent.**

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Status:

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