



# Trade Union Reform and Employment Rights Act 1993

## 1993 CHAPTER 19

### PART II

#### EMPLOYMENT RIGHTS

##### *Sex discrimination*

#### **32 Right to declaration of invalidity of discriminatory terms and rules**

In section 6 of the Sex Discrimination Act 1986 (application of section 77 of the Sex Discrimination Act 1975, which provides for discriminatory terms of contracts to be void, to terms of collective agreements, employers' rules and rules of certain organisations), after subsection (4) there shall be inserted—

“(4A) A person to whom this subsection applies may present a complaint to an industrial tribunal that a term or rule is void by virtue of subsection (1) of the said section 77 if he has reason to believe—

- (a) that the term or rule may at some future time have effect in relation to him, and
- (b) where he alleges that it is void by virtue of paragraph (c) of that subsection, that—
  - (i) an act for the doing of which it provides may at some such time be done in relation to him, and
  - (ii) the act would be, or be deemed by virtue of subsection (3) above to be, rendered unlawful by the 1975 Act if done in relation to him in present circumstances.

(4B) In the case of a complaint about—

- (a) a term of a collective agreement made by or on behalf of—
  - (i) an employer,

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*Status: This is the original version (as it was originally enacted).*

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- (ii) an organisation of employers of which an employer is a member, or
  - (iii) an association of such organisations of one of which an employer is a member, or
- (b) a rule made by an employer,  
subsection (4A) applies to any person who is, or is genuinely and actively seeking to become, one of his employees.
- (4C) In the case of a complaint about a rule made by an organisation, authority or body to which subsection (2) above applies, subsection (4A) applies to any person—
- (a) who is, or is genuinely and actively seeking to become, a member of the organisation, authority or body,
  - (b) on whom the organisation, authority or body has conferred an authorisation or qualification, or
  - (c) who is genuinely and actively seeking an authorisation or qualification which the organisation, authority or body has power to confer.
- (4D) When an industrial tribunal finds that a complaint presented to it under subsection (4A) above is well-founded the tribunal shall make an order declaring that the term or rule is void.”.