



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 7

#### MISCELLANEOUS

#### **251 Discrimination against civil partners in employment field**

- (1) Amend the Sex Discrimination Act 1975 (c. 65) as follows.
- (2) For section 3 (discrimination against married persons in employment field) substitute—

#### **“3 Discrimination against married persons and civil partners in employment field**

- (1) In any circumstances relevant for the purposes of any provision of Part 2, a person discriminates against a person (“A”) who fulfils the condition in subsection (2) if—
  - (a) on the ground of the fulfilment of the condition, he treats A less favourably than he treats or would treat a person who does not fulfil the condition, or
  - (b) he applies to A a provision, criterion or practice which he applies or would apply equally to a person who does not fulfil the condition, but—
    - (i) which puts or would put persons fulfilling the condition at a particular disadvantage when compared with persons not fulfilling the condition, and
    - (ii) which puts A at that disadvantage, and
    - (iii) which he cannot show to be a proportionate means of achieving a legitimate aim.
- (2) The condition is that the person is—
  - (a) married, or

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**Changes to legislation:** Civil Partnership Act 2004, Section 251 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(b) a civil partner.

(3) For the purposes of subsection (1), a provision of Part 2 framed with reference to discrimination against women is to be treated as applying equally to the treatment of men, and for that purpose has effect with such modifications as are requisite.”

(3) In section 5 (interpretation), for subsection (3) substitute—

“(3) Each of the following comparisons, that is—

- (a) a comparison of the cases of persons of different sex under section 1(1) or (2),
- (b) a comparison of the cases of persons required for the purposes of section 2A, and
- (c) a comparison of the cases of persons who do and who do not fulfil the condition in section 3(2),

must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.”;

and omit section 1(4).

(4) In section 7 (exception where sex is a genuine occupational qualification), in subsection (2)(h) for “by a married couple” substitute “—

- (i) by a married couple,
- (ii) by a couple who are civil partners of each other, or
- (iii) by a married couple or a couple who are civil partners of each other”.

(5) In section 65 (remedies on complaint under section 63), in subsection (1B) for “or marital status as the case may be” substitute “ or (as the case may be) fulfilment of the condition in section 3(2) ”.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)