



# Equality Act 2010

## 2010 CHAPTER 15

### PART 2

#### EQUALITY: KEY CONCEPTS

### CHAPTER 1

#### PROTECTED CHARACTERISTICS

#### **4 The protected characteristics**

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

#### **5 Age**

(1) In relation to the protected characteristic of age—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

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- (2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

## 6 Disability

- (1) A person (P) has a disability if—
- (a) P has a physical or mental impairment, and
  - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.
- (2) A reference to a disabled person is a reference to a person who has a disability.
- (3) In relation to the protected characteristic of disability—
- (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
- (4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
- (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
  - (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
- (5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
- (6) Schedule 1 (disability: supplementary provision) has effect.

### Annotations:

#### Commencement Information

- II** [S. 6](#) wholly in force; [s. 6](#) not in force at Royal Assent see [s. 216](#); [s. 6\(5\)](#) in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); [s. 6\(6\)](#) in force for certain purposes at 4.8.2010 by [S.I. 2010/1966](#), [art. 2](#); [s. 6](#) in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(2\)\(b\)](#) (with [art. 15](#))

## 7 Gender reassignment

- (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
- (3) In relation to the protected characteristic of gender reassignment—
- (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

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- (b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

## 8 Marriage and civil partnership

- (1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.
- (2) In relation to the protected characteristic of marriage and civil partnership—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

## 9 Race

- (1) Race includes—
  - (a) colour;
  - (b) nationality;
  - (c) ethnic or national origins.
- (2) In relation to the protected characteristic of race—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
  - (b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.
- (3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.
- (4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.
- (5) A Minister of the Crown <sup>F1</sup>...—
  - (a) [<sup>F2</sup>must by order] amend this section so as to provide for caste to be an aspect of race;
  - (b) [<sup>F3</sup>may by order] amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.
- (6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

### Annotations:

#### Amendments (Textual)

- F1** Words in s. 9(5) omitted (25.6.2013) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 97\(2\)](#), [103\(2\)](#)
- F2** Words in s. 9(5)(a) inserted (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 97\(3\)](#), [103\(1\)\(i\)\(2\)](#)
- F3** Words in s. 9(5)(b) inserted (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 97\(4\)](#), [103\(1\)\(i\)\(2\)](#)

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

- C1** S. 9(5) power to repeal or amend conferred (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 97(7)-(10)**, 103(1)(i)(2)

**10 Religion or belief**

- (1) Religion means any religion and a reference to religion includes a reference to a lack of religion.
- (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
- (3) In relation to the protected characteristic of religion or belief—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

**11 Sex**

In relation to the protected characteristic of sex—

- (a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

**12 Sexual orientation**

- (1) Sexual orientation means a person's sexual orientation towards—
  - (a) persons of the same sex,
  - (b) persons of the opposite sex, or
  - (c) persons of either sex.
- (2) In relation to the protected characteristic of sexual orientation—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

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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):

- Pt. 12 Ch. 2A inserted by [2017 c. 21 s. 17\(1\)](#)
- s. 1(2A)(aa) inserted by [2017 c. 4 s. 45\(2\)](#)
- s. 208(5)(fa) inserted by [2017 c. 21 s. 17\(3\)](#)
- s. 216(6)(7) inserted by [2017 c. 4 s. 45\(6\)](#)