
STATUTORY INSTRUMENTS

1996 No. 438

**The Sex Discrimination and Equal Pay
(Miscellaneous Amendments) Regulations 1996**

Amendment of the Sex Discrimination Act 1975

2.—(1) The Sex Discrimination Act 1975(1) is amended as follows.

(2) After section 65(1) there is inserted—

“(1A) In applying section 66 for the purposes of subsection (1)(b), no account shall be taken of subsection (3) of that section.

(1B) As respects an unlawful act of discrimination falling within section 1(1)(b) or section 3(1)(b), if the respondent proves that the requirement or condition in question was not applied with the intention of treating the complainant unfavourably on the ground of his sex or marital status as the case may be, an order may be made under subsection (1)(b) only if the industrial tribunal—

- (a) makes such order under subsection (1)(a) and such recommendation under subsection (1)(c) (if any) as it would have made if it had no power to make an order under subsection (1)(b); and
- (b) (where it makes an order under subsection (1)(a) or a recommendation under subsection (1)(c) or both) considers that it is just and equitable to make an order under subsection (1)(b) as well.”

(3) In section 65(3)(b), for the words “could have been made but was not” there is substituted “was not made”.

(4) In section 66(3) the words from “(or, where” to “section 3(1)(b))” and the words “or marital status as the case may be” are omitted.