
STATUTORY INSTRUMENTS

1999 No. 1102

The Sex Discrimination (Gender Reassignment) Regulations 1999

Discrimination on the grounds of gender reassignment

2.—(1) After section 2 of the Sex Discrimination Act 1975(1) (“the 1975 Act”) there shall be inserted the following section—

““Discrimination on the grounds of gender reassignment.”

2A.—(1) A person (“A”) discriminates against another person (“B”) in any circumstances relevant for the purposes of—

- (a) any provision of Part II,
- (b) section 35A or 35B, or
- (c) any other provision of Part III, so far as it applies to vocational training,

if he treats B less favourably than he treats or would treat other persons, and does so on the ground that B intends to undergo, is undergoing or has undergone gender reassignment.

(2) Subsection (3) applies to arrangements made by any person in relation to another’s absence from work or from vocational training.

(3) For the purposes of subsection (1), B is treated less favourably than others under such arrangements if, in the application of the arrangements to any absence due to B undergoing gender reassignment—

- (a) he is treated less favourably than he would be if the absence was due to sickness or injury, or
- (b) he is treated less favourably than he would be if the absence was due to some other cause and, having regard to the circumstances of the case, it is reasonable for him to be treated no less favourably.

(4) In subsections (2) and (3) “arrangements” includes terms, conditions or arrangements on which employment, a pupillage or tenancy or vocational training is offered.

(5) For the purposes of subsection (1), a provision mentioned in that subsection framed with reference to discrimination against women shall be treated as applying equally to the treatment of men with such modifications as are requisite.”

(2) In section 5(3) of the 1975 Act (interpretation) after the words “or 3(1)” there shall be inserted the words “, or a comparison of the cases of persons required for the purposes of section 2A,”.

(3) In section 82 of the 1975 Act (general interpretation provisions) in subsection (1) after the definition of “further education” there shall be inserted the following definition—

““gender reassignment” means a process which is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex, and includes any part of such a process;”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
