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STATUTORY INSTRUMENTS

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**2001 No. 2660**

**The Sex Discrimination (Indirect Discrimination  
and Burden of Proof) Regulations 2001**

**Sex discrimination**

3. For section 1 of the 1975 Act there is substituted—

**“1 Direct and indirect discrimination against women**

(1) In any circumstances relevant for the purposes of any provision of this Act, other than a provision to which subsection (2) applies, a person discriminates against a woman if—

- (a) on the ground of her sex he treats her less favourably than he treats or would treat a man, or
- (b) he applies to her a requirement or condition which he applies or would apply equally to a man but—
  - (i) which is such that the proportion of women who can comply with it is considerably smaller than the proportion of men who can comply with it, and
  - (ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
  - (iii) which is to her detriment because she cannot comply with it.

(2) In any circumstances relevant for the purposes of a provision to which this subsection applies, a person discriminates against a woman if—

- (a) on the ground of her sex, he treats her less favourably than he treats or would treat a man, or
- (b) he applies to her a provision, criterion or practice which he applies or would apply equally to a man, but—
  - (i) which is such that it would be to the detriment of a considerably larger proportion of women than of men, and
  - (ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
  - (iii) which is to her detriment.

(3) Subsection (2) applies to—

- (a) any provision of Part 2,
- (b) sections 35A and 35B(1), and
- (c) any other provision of Part 3, so far as it applies to vocational training.

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**Status:** This is the original version (as it was originally made).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

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(4) If a person treats or would treat a man differently according to the man's marital status, his treatment of a woman is for the purposes of subsection (1)(a) or (2)(a) to be compared to his treatment of a man having the like marital status.”