
STATUTORY INSTRUMENTS

2005 No. 2467

**The Employment Equality (Sex
Discrimination) Regulations 2005**

Educational establishments

22.—(1) In the heading to section 22 of the 1975 Act (discrimination by bodies in charge of educational establishments), omit the words “Discrimination by”.

(2) The existing provisions of the section (including the table) shall become subsection (1) of the section.

(3) After the subsection (1) so formed insert—

“(2) It is unlawful for the governing body of an institution of further or higher education to discriminate against a woman in the arrangements it makes for the purpose of selecting people for admission to the institution.

(3) It is unlawful for the governing body of an institution of further or higher education to subject a woman to harassment if that woman is a student at the institution or has applied for admission to the institution.

(4) In subsections (2) and (3) “institution of further or higher education” means—

(a) in England and Wales, an establishment falling within column 1 of paragraph 3B, 4 or 4A of the table in subsection (1);

(b) in Scotland—

(i) a college of further education within the meaning given by section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management within the meaning of Part I of that Act,

(ii) a college of further education managed by an education authority in the exercise of its functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980,

(iii) any other educational establishment (not being a school) which provides further education within the meaning of section 1 of the Further and Higher Education (Scotland) Act 1992,

(iv) an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992), or

(v) a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980).”.

(4) In section 26 of the 1975 Act (exception for single-sex establishments)—

(a) in subsection (1), for “Section 22(a) and (b)” substitute “Section 22(1)(a) and (b)”;

(b) in subsection (2), for “sections 22(a) and (b)”, substitute “sections 22(1)(a) and (b)”, and for “sections 22(c)(i)”, substitute “sections 22(1)(c)(i)”.

(5) In section 27 of the 1975 Act (exception for single-sex establishments turning co-educational), in subsection (1), for “section 22”, substitute “section 22(1)”.