
STATUTORY INSTRUMENTS

2007 No. 1263

The Equality Act (Sexual Orientation) Regulations 2007

Discrimination on grounds of sexual orientation

3.—(1) For the purposes of these Regulations, a person (“A”) discriminates against another (“B”) if, on grounds of the sexual orientation of B or any other person except A, A treats B less favourably than he treats or would treat others (in cases where there is no material difference in the relevant circumstances).

(2) In paragraph (1) a reference to a person’s sexual orientation includes a reference to a sexual orientation which he is thought to have.

(3) For the purposes of these Regulations, a person (“A”) discriminates against another (“B”) if A applies to B a provision, criterion or practice—

- (a) which he applies or would apply equally to persons not of B’s sexual orientation,
- (b) which puts persons of B’s sexual orientation at a disadvantage compared to some or all others (where there is no material difference in the relevant circumstances),
- (c) which puts B at a disadvantage compared to some or all persons who are not of his sexual orientation (where there is no material difference in the relevant circumstances), and
- (d) which A cannot reasonably justify by reference to matters other than B’s sexual orientation.

(4) For the purposes of paragraphs (1) and (3), the fact that one of the persons (whether or not B) is a civil partner while the other is married shall not be treated as a material difference in the relevant circumstances.

(5) A person (“A”) discriminates against another (“B”) if A treats B less favourably than he treats or would treat another and does so by reason of the fact that, or by reason of A’s knowledge or suspicion that, B—

- (a) has brought or intended to bring, or intends to bring, proceedings under these Regulations,
 - (b) has given or intended to give, or intends to give, evidence in proceedings under these Regulations,
 - (c) has provided or intended to provide, or intends to provide, information in connection with proceedings under these Regulations,
 - (d) has done or intended to do, or intends to do, any other thing under or in connection with these Regulations, or
 - (e) has alleged or intended to allege, or intends to allege, that a person has contravened these Regulations.
- (6) Paragraph (5) does not apply where A’s treatment of B relates to B’s—
- (a) making or intending to make, not in good faith, a false allegation; or
 - (b) giving or intending to give, not in good faith, false information or evidence.