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STATUTORY INSTRUMENTS

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**1976 No. 1042**

**Sex Discrimination (Northern Ireland) Order 1976**

PART IV

DISCRIMINATION IN OTHER FIELDS

*Education*

**[<sup>F1</sup>Bodies in charge of educational establishments]**

**24.**—<sup>F1</sup>[<sup>F1</sup>(1)] It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the “responsible body”) to discriminate against a woman—

- (a) in the terms on which it offers to admit her to the establishment as a pupil, or
- (b) by refusing or deliberately omitting to accept an application for her admission to the establishment as a pupil, or
- (c) where she is a pupil of the establishment—
  - (i) in the way it affords her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
  - (ii) by excluding her from the establishment or subjecting her to any other detriment.

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**TABLE**

***Establishment***

***Responsible body***

1. Educational establishment which is grant-aided.	[ <sup>F2</sup> Education Authority] or managers or governors, according to which of them has the function in question.
[ <sup>F3</sup> 1A. College of education, <sup>F4</sup> ...]	[ <sup>F3</sup> The managers.]
2. Independent school.	Proprietor
3. University. <sup>F5</sup> ...	Governing body. <sup>F5</sup> ...
[ <sup>F6</sup> 5. An establishment providing further education in respect of which grants are paid under Article 5(1)(b) of the Further Education (Northern Ireland) Order 1997.]	[ <sup>F6</sup> Governing body.]

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**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Cross Heading: Education is up to date with all changes known to be in force on or before 25 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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[<sup>F1</sup>(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 paragraphs (2) and (3), “institution of further or higher education” means an establishment falling within column 1 of paragraph 1A, 3 or 5 of the table in paragraph (1).]

<b>F1</b>	SR 2005/426
<b>F2</b>	Words in art. 24(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 7(1) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
<b>F3</b>	1986 NI 3
<b>F4</b>	2005 NI 13
<b>F5</b>	1984 NI 10
<b>F6</b>	1997 NI 15

#### Other discrimination by [<sup>F7</sup>the Education Authority]

25. It is unlawful for [<sup>F8</sup>the Education Authority], in carrying out such of its functions under [<sup>F9</sup>the Education Orders, as defined in] the Education and Libraries (Northern Ireland) Order [<sup>F10</sup>1986] as do not fall under Article 24, to do any act which constitutes sex discrimination.

<b>F7</b>	Words in art. 25 heading substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 7(2)(a) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
<b>F8</b>	Words in art. 25 substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 7(2)(b) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
<b>F9</b>	1997 NI 15
<b>F10</b>	1986 NI 3

#### General duty in public sector of education

26.—(1) Without prejudice to its obligation to comply with any other provision of this Order, a body to which this paragraph applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without sex discrimination.

(2) [<sup>F11</sup>Article 101] of the Education and Libraries (Northern Ireland) Order [<sup>F11</sup>1986]<sup>F12</sup>. . . shall apply to the performance by a body to which paragraph (1) applies of the duties imposed by Articles 24 and 25 and shall also apply to the performance of the general duty imposed by paragraph (1), as it applies to the performance by [<sup>F13</sup>the Education Authority] of a duty imposed by that Order.

(3) The sanctions in paragraph (2) shall be the only sanctions for breach of the general duty in paragraph (1), but without prejudice to the enforcement of Articles 24 and 25 under Article 66 or otherwise (where the breach is also a contravention of either of those Articles).

(4) Paragraph (1) applies to—

- (a) [<sup>F14</sup>the Education Authority]; and
- (b) any other body which is a responsible body in relation to an establishment falling within paragraph 1 [<sup>F11</sup>, 1A], 4 or 5 of the table in Article 24.

- F11** 1986 NI 3  
**F12** 1989 NI 20  
**F13** Words in art. 26(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 7(3) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)  
**F14** Words in art. 26(4)(a) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 7(3) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

### Exception for single-sex establishments

27.—(1) [<sup>F15</sup>Articles 24(1)( a) and ( b)] and 26 do not apply to the admission of pupils to any establishment (a “single-sex establishment”) which admits pupils of one sex only, or which would be taken to admit pupils of one sex only if there were disregarded pupils of the opposite sex—

- (a) whose admission is exceptional, or
- (b) whose numbers are comparatively small and whose admission is confined to particular courses of instruction or teaching classes.

(2) Where a school which is not a single-sex establishment has some pupils as boarders and others as non-boarders, and admits as boarders pupils of one sex only (or would be taken to admit as boarders pupils of one sex only if there were disregarded boarders of the opposite sex whose numbers are comparatively small), [<sup>F15</sup> Articles 24(1)( a) and ( b)] and 26 do not apply to the admission of boarders and [<sup>F15</sup> Articles 24(1)( c)(i)] and 26 do not apply to boarding facilities.

(3) Where an establishment is a single-sex establishment by reason of its inclusion in paragraph (1)( b), the fact that pupils of one sex are confined to particular courses of instruction or teaching classes shall not be taken to contravene Article 24( c)(i) or the duty in Article 26.

**F15** SR 2005/426

### Exception for single-sex establishments turning co-educational

28.—(1) Where at any time—

- (a) the responsible body for a single-sex establishment falling within column 1 of the table in [<sup>F16</sup> Article 24(1)] determines to alter its admissions arrangements so that the establishment will cease to be a single-sex establishment, or
- (b) Article 27(2) applies to the admission of boarders to a school falling within column 1 of that table but the responsible body determines to alter its admissions arrangements so that Article 27(2) will cease so to apply,

the responsible body may apply in accordance with Schedule 2 for an order (a “transitional exemption order”) authorising discriminatory admissions during the transitional period specified in the order.

(2) Where during the transitional period specified in a transitional exemption order applying to an establishment the responsible body refuses or deliberately omits to accept an application for the admission of a person to the establishment as a pupil the refusal or omission shall not be taken to contravene any provision of this Order.

(3) Paragraph (2) does not apply if the refusal or omission contravenes any condition of the transitional exemption order.

(4) Except as mentioned in paragraph (2), a transitional exemption order shall not afford any exemption from liability under this Order.

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(5) Where, during the period between the making of an application for a transitional exemption order in relation to an establishment and the determination of the application, the responsible body refuses or deliberately omits to accept an application for the admission of a person to the establishment as a pupil the refusal or omission shall not be taken to contravene any provision of this Order.

**F16** SR 2005/426

*Art. 29 rep. by SR 2005/426*

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.3 rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(4\). Sch.15](#)
- Sch.6 para.2 rev. (prosp.) by [1998 c. 47 s. 100\(2\)Sch.15](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.54(2)(3)(4) rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(3\)\(b\). Sch. 15](#)