



# Equality Act 2006

## 2006 CHAPTER 3

### PART 2

#### DISCRIMINATION ON GROUNDS OF RELIGION OR BELIEF

##### *General*

#### **73 Aiding unlawful acts**

- (1) It is unlawful knowingly to help another person (whether or not as his employee or agent) to do anything which is unlawful under this Part.
- (2) A person commits an offence if he knowingly or recklessly makes a false statement, in connection with assistance sought from another, that a proposed act is not unlawful under this Part.
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **74 Employers' and principals' liability**

- (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Part as done by the employer as well as by the person.
- (2) Anything done by a person as agent for another shall be treated for the purposes of this Part as done by the principal as well as by the agent.
- (3) It is immaterial for the purposes of this section whether an employer or principal knows about or approves of an act.
- (4) In proceedings under this Part against a person in respect of an act alleged to have been done by his employee it shall be a defence for the employer to provide that he took such steps as were reasonably practicable to prevent the employee—
  - (a) from doing the act, or
  - (b) from doing acts of that kind in the course of his employment.

*Status: Point in time view as at 30/04/2007.*

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- (5) Subsections (1) and (2) shall not apply to the commission of an offence under section 54.

## 75 Police, &c.

- (1) This section applies to—
- (a) a constable who is a member of a police force maintained under the Police Act 1996 (c. 16) or the Police (Scotland) Act 1967 (c. 77),
  - (b) a special constable appointed for a police area in accordance with either of those Acts, and
  - (c) a person appointed as a police cadet in accordance with either of those Acts.
- (2) A person to whom this section applies shall be treated for the purposes of this Part as the employee of his chief officer of police; and anything done by the person in the performance or purported performance of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) compensation, costs or expenses awarded against a chief officer of police in proceedings brought against him under this Part;
  - (b) costs or expenses incurred by a chief officer of police in proceedings brought against him under this Part so far as not recovered in the proceedings;
  - (c) sums required by a chief officer of police for the settlement of a claim made against him under this Part if the settlement is approved by the police authority.
- (4) A police authority may pay out of the police fund—
- (a) damages or costs awarded in proceedings under this Part against a person under the direction and control of the chief officer of police;
  - (b) costs incurred and not recovered by such a person in such proceedings;
  - (c) sums required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) In section 56(4) of the Serious Organised Crime and Police Act 2005 (c. 15) (application of discrimination legislation to seconded staff) after paragraph (f) insert—
- “; and
- (g) section 74 of the Equality Act 2006.”

## 76 Indirect provision of benefit, &c.

A reference in this Part to providing a service, facility or benefit of any kind includes a reference to facilitating access to the service, facility or benefit.

## 77 Employment Equality Regulations

- (1) For regulation 2(1) of the Employment Equality (Religion or Belief) Regulations 2003 (S.I. 2003/1660) (definition of “religion or belief”) substitute—
- “(1) In these Regulations—
- (a) “religion” means any religion,
  - (b) “belief” means any religious or philosophical belief,

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- (c) a reference to religion includes a reference to lack of religion, and
  - (d) a reference to belief includes a reference to lack of belief.”
- (2) For regulation 3(1)(a) of the Regulations substitute—
- “(a) on the grounds of the religion or belief of B or of any other person except A (whether or not it is also A's religion or belief) A treats B less favourably than he treats or would treat other persons;”.
- (3) Omit regulation 3(2) of the Regulations.

## **78 Crown application**

- (1) Section 52 binds the Crown.
- (2) The remainder of this Part applies to an act done on behalf of the Crown as it applies to an act done by a private person.
- (3) For the purposes of subsection (2) an act is done on behalf of the Crown if (and only if) done—
- (a) by or on behalf of a Minister of the Crown,
  - (b) by or on behalf of the Scottish Ministers,
  - (c) by a government department,
  - (d) by a body established by an enactment (including an enactment in or under an Act of the Scottish Parliament) acting on behalf of the Crown,
  - (e) by or on behalf of the holder of an office established by an enactment (including an enactment in or under an Act of the Scottish Parliament) acting on behalf of the Crown, or
  - (f) by or on behalf of an office-holder in the Scottish Administration (within the meaning of section 126(7) of the Scotland Act 1998 (c. 46)).
- (4) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under this Part as they apply to proceedings in England and Wales which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown; but section 20 of that Act (removal of proceedings from county court to High Court) shall not apply to proceedings under this Part.
- (5) The provisions of Part V of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under this Part as they apply to proceedings in Scotland which by virtue of the said Part are treated as civil proceedings by or against the Crown; but the proviso to section 44 of that Act (removal of proceedings from the sheriff court to the Court of Session) shall not apply to proceedings under this Part.

## **79 Interpretation**

- (1) In this Part “charity”—
- (a) in relation to England and Wales, has the meaning given by the Charities Act 2006, and
  - (b) in relation to Scotland, means a body entered in the Scottish Charity Register.
- (2) In this Part—
- (a) a reference to action includes a reference to deliberate omission, and
  - (b) a reference to refusal includes a reference to deliberate omission.

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## **80 Territorial application**

- (1) This Part applies in relation to anything done in Great Britain.
- (2) This Part also applies to the provision of—
  - (a) facilities for travel on a British ship, a British hovercraft or a British aircraft, and
  - (b) benefits, facilities or services provided on a British ship, a British hovercraft or a British aircraft.
- (3) Section 52, in so far as it relates to granting entry clearance (within the meaning of the Immigration Acts), applies to anything done whether inside or outside the United Kingdom.
- (4) In this section—
  - “British aircraft” means an aircraft registered in Great Britain,
  - “British hovercraft” means a hovercraft registered in Great Britain, and
  - “British ship” means a ship which is—
    - (a) registered in Great Britain, or
    - (b) owned by or used for purposes of the Crown.
- (5) This section shall not make it unlawful to do anything in or over a country other than the United Kingdom, or in or over the territorial waters of a country other than the United Kingdom, for the purpose of complying with a law of the country.

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