
Changes to legislation: Equality Act 2010, Part 1 is up to date with all changes known to be in force on or before 20 May 2024. 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

SCHEDULES

SCHEDULE 12 **E+W+S**

FURTHER AND HIGHER EDUCATION EXCEPTIONS

PART 1 **E+W+S**

SINGLE-SEX INSTITUTIONS, ETC.

Admission to single-sex institutions

- 1 (1) Section 91(1), so far as relating to sex, does not apply in relation to a single-sex institution.
- (2) A single-sex institution is an institution to which section 91 applies, which—
- (a) admits students of one sex only, or
 - (b) on the basis of the assumption in sub-paragraph (3), would be taken to admit students of one sex only.
- (3) That assumption is that students of the opposite sex are to be disregarded if—
- (a) their admission to the institution is exceptional, or
 - (b) their numbers are comparatively small and their admission is confined to particular courses or classes.
- (4) In the case of an institution which is a single-sex institution by virtue of sub-paragraph (3)(b), section 91(2)(a) to (d), so far as relating to sex, does not prohibit confining students of the same sex to particular courses or classes.

Single-sex institutions turning co-educational

- 2 (1) If the responsible body of a single-sex institution decides to alter its admissions arrangements so that the institution will cease to be a single-sex institution, the body may apply for a transitional exemption order in relation to the institution.
- (2) A transitional exemption order relating to an institution is an order which, during the period specified in the order as the transitional period, authorises—
- (a) sex discrimination by the responsible body of the institution in the arrangements it makes for deciding who is offered admission as a student;
 - (b) the responsible body, in the circumstances specified in the order, not to admit a person as a student because of the person's sex.
- (3) Paragraph 3 applies in relation to the making of a transitional exemption order.
- (4) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if —
- (a) in accordance with a transitional exemption order, or

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- (b) pending the determination of an application for a transitional exemption order in relation to the institution,
it does not admit a person as a student because of the person's sex.
- (5) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if —
 - (a) in accordance with a transitional exemption order, or
 - (b) pending the determination of an application for a transitional exemption order in relation to the institution,
it discriminates in the arrangements it makes for deciding who is offered admission as a student.
- 3 (1) In the case of a single-sex institution—
 - (a) its responsible body may submit to the Commission an application for the making of a transitional exemption order, and
 - (b) the Commission may make the order.
- (2) An application under sub-paragraph (1) must specify—
 - (a) the period proposed by the responsible body as the transitional period to be specified in the order,
 - (b) the stages, within that period, by which the body proposes to move to the position where section 91(1)(a) and (c), so far as relating to sex, is complied with, and
 - (c) any other matters relevant to the terms and operation of the order applied for.
- (3) The Commission must not make an order on an application under sub-paragraph (1) unless satisfied that the terms of the application are reasonable, having regard to—
 - (a) the nature of the institution's premises,
 - (b) the accommodation, equipment and facilities available, and
 - (c) the responsible body's financial resources.

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

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

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)