



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART III

#### DISCRIMINATION IN OTHER FIELDS

##### Modifications etc. (not altering text)

- C1** Pt. III (ss. 22–36) excluded by [Employment Act 1989](#) (c. 38, SIF 43:1, 106:1), [ss. 4\(1\)\(b\), 5\(1\)\(7\)](#)
- C2** Pt. III (ss. 22–36) excluded by [S.I. 1989/2420](#), [art. 3](#)
- C3** Pt. III (ss. 22–36) applied (1.10.1998) by [1998 c. 31](#), s. 25, [Sch. 5 para. 6\(a\)](#) (with ss. 138(9), 144(6)); [S.I. 1998/2212](#), [art. 2\(1\)](#), [Sch. 1 Pt. I](#)
- Pt. III (ss. 22–36) applied (1.9.1999) by [1998 c. 31](#), s. 24, [Sch. 4 para. 8\(a\)](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#)

#### *Education*

#### **22** <sup>F1</sup> . . . Bodies in charge of educational establishments.

[<sup>F2</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.

*Status: Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)*

TABLE

<i>Establishment</i>	<i>Responsible body</i>
England and Wales	
1. Educational establishment maintained by a local education authority.	Local education authority or [ <sup>F3</sup> managers or][ <sup>F4</sup> governing body], according to which of them has the function in question.
2. Independent school not being a special school.	Proprietor.
3. Special school not maintained by a local education authority.	Proprietor.
<sup>F5</sup>	<sup>F5</sup>
3A. . . .	. . . .
[ <sup>F6</sup>	[ <sup>F6</sup>
3B. Institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992).]	Governing body. ]
4. University.	Governing body.
[ <sup>F7</sup> 4A. Institution other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).]	[ <sup>F7</sup> Governing body.]
5. Establishment (not falling within paragraphs 1 [ <sup>F8</sup> to 4A]) providing full-time or part-time education, being an establishment designated under section 24(1).	Governing body.
Scotland	
6. Educational establishment managed by an education authority.	Education authority.
7. Educational establishment in respect of which the managers are for the time being receiving grants under section [ <sup>F9</sup> 73(c)or(d) of the Education (Scotland) Act 1980]	Managers of the educational establishment.
[ <sup>F10</sup> 7A. Self-governing school.]	[ <sup>F10</sup> Board of management.]
[ <sup>F11</sup>	[ <sup>F11</sup>
	Board of management]

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*Changes to legislation:* There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

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7B. College of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management .]

[  
F12

[  
F12

7C. Designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.]

Governing body]

8. University.

Governing body.

9. Independent school.

Proprietor.

10. Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full or part-time school education or further education.

Managers of the educational establishment.

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- [<sup>F13</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 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).]

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*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)*

### Textual Amendments

- F1** S. 22: words in heading omitted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 22(1)**
- F2** S. 22 renumbered (1.10.2005) as s. 22(1) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 21(2)**
- F3** Words repealed (E.W.) by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 1(3), **Sch. 1 para. 27**
- F4** S. 22: words in Table para. 1 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 5** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F5** S. 22: Table para. 3A repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F6** S. 22 Table para. 3B inserted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para. 76(1)(2)**; S.I. 1992/831, art. 2, **Sch. 1**.
- F7** S. 22 Table para. 4A substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para. 76(1)(3)**; S.I. 1992/831, art. 2, **Sch. 1**.
- F8** Words in s. 22 Table para. 5 substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para. 76(1)(4)**; S.I. 1992/831, art. 2, **Sch. 1**
- F9** Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), **Sch. 4 para. 6**
- F10** S. 22 Table para. 7A repealed (S.) (31.12.2004) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3; S.S.I. 2004/528, **art. 2(b)**
- F11** S. 22 Table para. 7B inserted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9 para. 4(2)(a)**; S.I. 1992/817, art. 3(2), **Sch. 1**.
- F12** S. 22 Table para. 7C inserted (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9 para. 4(2)(b)**; S.I. 1992/817, art. 3(2), **Sch. 1**.
- F13** S. 22(2)-(4) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 21(3)**

### Modifications etc. (not altering text)

- C4** S. 22 applied (E.W.) (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**
- C5** S. 22 applied (E.W.) (9.5.1994) by S.I. 1994/1084, reg. 8, **Sch. 2 Pt. I**
- C6** S. 22 Table paras. 1-5 modified (23.4.1999) by S.I. 1999/988, **art. 2**

## [<sup>F14</sup>22A Meaning of pupil in section 22.

For the purposes of section 22, “pupil” includes, in England and Wales, any person who receives education at a school or institution to which that section applies.]

### Textual Amendments

- F14** S. 22A inserted (1.8.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para.77**; S.I. 1992/831, art. 2, **Sch.4**

## 23 Other discrimination by local education authorities. **E+W**

- (1) It is unlawful for a local education authority, in carrying out such of its functions under [<sup>F15</sup>the Education Acts]as do not fall under section 22, to do any act which constitutes sex discrimination.
- (2) It is unlawful for an education authority, in carrying out such of its functions under [<sup>F16</sup>the Education (Scotland) [<sup>F17</sup>Act 1980]]as do not fall under section 22, to do any act which constitutes sex discrimination.

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#### Textual Amendments

- F15** Words in s. 23(1) substituted (1.11.1996) by 1996 c. 56, s. 582(1), **Sch. 37 Pt. I para. 31** (with s. 1(4))  
**F16** Words substituted by [Education Act 1980](#) (c. 20, SIF 41:1), **s. 33(2)**  
**F17** Words substituted (S.) by [Education \(Scotland\) Act 1980](#) (c. 44), **Sch. 4 para. 7**

### 23 Other discrimination by local education authorities. **S**

- (1) It is unlawful for a local education authority, in carrying out such of its functions under [<sup>F85</sup>the Education Acts] as do not fall under section 22, to do any act which constitutes sex discrimination.
- (2) It is unlawful for an education authority, in carrying out such of its functions under [<sup>F86</sup>the Education (Scotland) [<sup>F87</sup>Act 1980]] as do not fall under section 22, to do any act which constitutes sex discrimination.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F85** Words in s. 23(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch.37 Pt. I para. 31** (with s. 1(4))  
**F86** Words substituted by [Education Act 1980](#) (c. 20, SIF 41:1), **s. 33(2)**  
**F87** Words substituted (S.) by [Education \(Scotland\) Act 1980](#) (c. 44), **Sch. 4 para. 7**

### [<sup>F18</sup>23A Discrimination by Further Education and Higher Education Funding Councils

It is unlawful for the [<sup>F19</sup>the Learning and Skills Council for England, <sup>F20</sup>. . . ], the Higher Education Funding Council for England or the Higher Education Funding Council for Wales in carrying out their functions under [<sup>F21</sup>the Education Acts [<sup>F22</sup>and the Learning and Skills Act 2000]], [<sup>F23</sup>and for the [<sup>F24</sup>Welsh Ministers in carrying out their functions] under Part 2 of the Learning and Skills Act 2000”] to do any act which constitutes sex discrimination.

#### Textual Amendments

- F18** S. 23A inserted (6.5.1992) by [Further and Higher Education Act 1992](#) (c. 13), s. 93(1), **Sch. 8 Pt. II para. 78**; S.I. 1992/831, art. 2, **Sch. 1**  
**F19** Words in s. 23A substituted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales otherwise) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 5(a)**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (subject to art. 3)  
**F20** Words in s. 23A omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005](#) (S.I. 2005/3238), art. 9(1), **Sch. 1 para. 4** (with transitional provisions in art. 7)  
**F21** Words in s. 23A substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 32** (with s. 1(4))  
**F22** Words in s. 23A inserted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales and otherwise<sup>prosp.</sup>) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 5(b)**; S.I.

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2001/654, art. 2(2), **Sch. Pt. II** (with savings and transitional provisions in art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (subject to savings and transitional provisions in art. 3)

**F23** Words in s. 23A inserted (1.4.2006) by virtue of **The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005** (S.I. 2005/3238), art. 9(1), **Sch. 1 para. 4** (with transitional provisions in art. 7)

**F24** Words in s. 23A substituted by **The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007** (S.I. 2007/1388), art. 3, **Sch. 1 para. 5** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of **Government of Wales Act 2006** (c. 32))

**23B Discrimination by Scottish Further and Higher Education Funding Councils.**

**F25** .....

**Textual Amendments**

**F25** S. 23B repealed (S.) (3.10.2005) by **Further and Higher Education (Scotland) Act 2005** (asp 6), ss. 32, 36, **Sch. 3 para. 3**; S.S.I. 2005/419, **art. 2**

**[<sup>F26</sup>23BADiscrimination by Scottish Further and Higher Education Funding Council**

It is unlawful for the Scottish Further and Higher Education Funding Council in carrying out any of its functions to do any act which constitutes sex discrimination.]

**Textual Amendments**

**F26** S. 23BA inserted (3.10.2005) by **The Further and Higher Education (Scotland) Act 2005 (Consequential Modifications) Order 2005** (S.I. 2005/2077), **art. 4**

**[<sup>F27</sup>23C** .....

**Textual Amendments**

**F27** S. 23C repealed (1.9.1999) by **1998 c. 31, s. 140(3), Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**[<sup>F28</sup>23D Discrimination by [<sup>F29</sup>Training and Development Agency for Schools].**

It is unlawful for the [<sup>F29</sup>Training and Development Agency for Schools] in carrying out their functions under [<sup>F30</sup>any enactment] to do any act which constitutes sex discrimination.]

**Textual Amendments**

**F28** S. 23D inserted (21.9.1994) by **1994 c. 30, s. 24, Sch. 2 para. 5(3)**; S.I. 1994/2204, **art. 2**

**F29** S. 23D: words "in the section and in the heading" substituted (1.9.2005) by **Education Act 2005** (c. 18), ss. 98, 125(3), **Sch. 14 para. 5**

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**F30** Words in s. 23D substituted (1.9.2005) by Education Act 2005 (c. 18), s. 98, **Sch. 14 para. 5**

## 24 Designated establishments.

- (1) The Secretary of State may by order designate for the purposes of paragraph 5 of the table in section 22 such establishments of the description mentioned in that paragraph as he thinks fit.
- (2) An establishment shall not be designated under subsection (1) unless—
  - (a) .....<sup>F31</sup>
  - (b) it is an establishment in respect of which grants are payable out of money provided by Parliament, or
  - (c) it is assisted by a local education authority [<sup>F32</sup>for the purposes]of [<sup>F33</sup>the Education Act 1996], or
  - (d) it provides full-time education for persons who have attained the upper limit of compulsory school age [<sup>F34</sup>(construed in accordance with section 8 of the Education Act 1996)] but not the age of nineteen.
- (3) A designation under subsection (1) shall remain in force until revoked notwithstanding that the establishment ceases to be within subsection (2).

### Textual Amendments

- F31** S. 24(2)(a) repealed by Education Reform Act 1988 (c.40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 12 Pt. III para. 73(a), **Sch. 13 Pt. II**
- F32** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 73(b)**
- F33** Words in s. 24(2)(c) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 34** (with s. 1(4))
- F34** Words in s. 24(2)(d) inserted (1.9.1997) by 1996 c. 56, s. 582(1)(4), **Sch. 37 Pt. II para. 137** (with s. 1(4), Sch. 40 para. 1, which Sch. 40 was repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 189(g), **Sch. 31**); S.I. 1997/1623, art. 2(2)

## 25 General duty in public sector of education. **E+W**

- (1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection 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) The following provisions of [<sup>F35</sup>the Education Act 1996], namely—
  - (a) [<sup>F36</sup>section 496] (power of Secretary of State to require duties under that Act to be exercised reasonably), and
  - (b) [<sup>F37</sup>section 497] (powers of Secretary of State where local education authorities etc. are in default),shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 [<sup>F38</sup>23, 23A, <sup>F39</sup>. . . and 23D] and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act.

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*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)*

- (3) Section [<sup>F40</sup>70 of the Education (Scotland) Act 1980] (power of the Secretary of State to require duties in that Act to be exercised) shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 and 23 and shall also apply to the performance of the general duty imposed by subsection (1), as the [<sup>F40</sup>said section 70] applies to the performance by an education authority of a duty imposed by that Act.
- (4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach of the general duty in subsection (1), but without prejudice to the enforcement of sections 22 [<sup>F41</sup>23, 23A, <sup>F39</sup> . . . and 23D] under section 66 or otherwise (where the breach is also a contravention of [<sup>F42</sup>any] of those sections).
- (5) The Secretary of State shall have the power to cause a local inquiry to be held into any matter arising from subsection (3) under section [<sup>F43</sup>67 of the Education (Scotland) Act 1980.]
- (6) Subsection (1) applies to—
- (a) local education authorities in England and Wales;
  - (b) education authorities in Scotland;
  - (c) any other body which is a responsible body in relation to—
    - (i) an establishment falling within paragraph 1, 3 <sup>F44</sup> . . . [<sup>F45</sup>3B][<sup>F46</sup>, [<sup>F47</sup>7A, 7B or 7C]] of the table in section 22;
    - (ii) an establishment designated under section 24(1) as falling within paragraph . . . <sup>F48</sup>(c) of section 24(2);
    - (iii) an establishment designated under section 24(1) as falling within paragraph (b) of section 24(2) where the grants in question are payable under [<sup>F49</sup>section 485 of the Education Act 1996]
  - <sup>F50</sup>(d) . . . . .
  - <sup>F51</sup>(e) . . . . .
  - <sup>F52</sup>(f) the Training and Development Agency for Schools.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F35** Words in s. 25(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(a)**
- F36** Words in s. 25(2)(a) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(b)**
- F37** Words in s. 25(2)(b) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(c)**
- F38** Words in s. 25(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(2)(d)**
- F39** Word in s. 25(2)(4) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F40** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(a)**
- F41** Words in s. 25(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(3)(a)**
- F42** Word in s. 25(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(3)(b)**



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- F43** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 8(b)**
- F44** Word in s. 25(6)(c)(i) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F45** Words in s. 25(6)(c)(i) (which were inserted by Education Reform Act 1988 (c. 40), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 74(a)**) substituted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 79(1)(a)**, S.I. 1992/831, art. 2, Sch. 1
- F46** Words in s. 25(6)(c)(i) substituted (S.) by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), s. 82(1), **Sch. 10 para. 5(3)**.
- F47** Words in s. 25(6)(c)(i) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 4(4)**; S.I. 1992/817, art. 3(2), **Sch. 1**.
- F48** “(a) or” repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 12 Pt. III para. 74(b), **Sch. 13 Pt. II**
- F49** Words in s. 25(6)(c)(iii) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(4)(a)**
- F50** S. 25(6)(d) repealed (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales) by 2000 c. 21, ss. 153, 154, **Sch. 11**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (with savings and transitional provisions in art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with savings and transitional provisions in art. 3)
- F51** S. 25(6)(e) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F52** Words in s. 25 substituted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125(3)(a), **Sch. 14 para. 6**

#### Modifications etc. (not altering text)

- C7** S. 25 applied (E.W.)(1.4.1994) by S.I. 1994/653, reg. 42, **Sch. Pt. I**  
S. 25 applied (E.W.)(9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**
- C8** S. 25: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C9** S. 25(2) modified (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 79(2)**; S.I. 1992/831, art. 2, **Sch. 1**

## 25 General duty in public sector of education. **S**

- (1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection 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) The following provisions of [<sup>F88</sup>the Education Act 1996], namely—
- (a) [<sup>F89</sup>section 496] (power of Secretary of State to require duties under that Act to be exercised reasonably), and
- (b) [<sup>F90</sup>section 497] (powers of Secretary of State where local education authorities etc. are in default),
- shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 [<sup>F91</sup>23, 23A, <sup>F92</sup>. . . and 23D] and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act.
- (3) Section [<sup>F93</sup>70 of the Education (Scotland) Act 1980] (power of the Secretary of State to require duties in that Act to be exercised) shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 and 23 and shall also apply to the performance of the general duty imposed by subsection (1), as the [<sup>F93</sup>said section 70] applies to the performance by an education authority of a duty imposed by that Act.

*Status:* Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

- (4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach of the general duty in subsection (1), but without prejudice to the enforcement of sections 22 [F94]23, 23A, F92 . . . and 23D] under section 66 or otherwise (where the breach is also a contravention of [F95]any] of those sections).
- (5) The Secretary of State shall have the power to cause a local inquiry to be held into any matter arising from subsection (3) under section [F96]67 of the Education (Scotland) Act 1980.]
- (6) Subsection (1) applies to—
- (a) local education authorities in England and Wales;
  - (b) education authorities in Scotland;
  - (c) any other body which is a responsible body in relation to—
    - (i) an establishment falling within paragraph 1, 3 F97 . . . [F98]3B][F99], [F100]or 7] 7B or 7C] of the table in section 22;
    - (ii) an establishment designated under section 24(1) as falling within paragraph . . . F101(c) of section 24(2);
    - (iii) an establishment designated under section 24(1) as falling within paragraph (b) of section 24(2) where the grants in question are payable under [F102]section 485 of the Education Act 1996][F103](d) the Further Education Funding Council for England and the Further Education Funding Council for Wales.]
  - F104(e) . . . . .
  - [F52](f) the Training and Development Agency for Schools.]

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F52** Words in s. 25 substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), ss. 98, 125(3)(a), [Sch. 14 para. 6](#)
- F88** Words in s. 25(2) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. I para. 35\(2\)\(a\)](#)
- F89** Words in s. 25(2)(a) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. I para. 35\(2\)\(b\)](#)
- F90** Words in s. 25(2)(b) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. I para. 35\(2\)\(c\)](#)
- F91** Words in s. 25(2) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. I para. 35\(2\)\(d\)](#)
- F92** Word in s. 25(2)(4) repealed (1.9.1999) by [1998 c. 31](#), s. 140(3), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. [1999/2323](#), art. 2(1), [Sch. 1](#)
- F93** Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), [Sch. 4 para. 8\(a\)](#)
- F94** Words in s. 25(4) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. I para. 35\(3\)\(a\)](#)
- F95** Word in s. 25(4) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), [Sch. 37 Pt. I para. 35\(3\)\(b\)](#)
- F96** Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), [Sch. 4 para. 8\(b\)](#)
- F97** Word in s. 25(6)(c)(i) repealed (1.9.1999) by [1998 c. 31](#), s. 140(3), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. [1999/2323](#), art. 2(1), [Sch. 1](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

- F98** Words in s. 25(6)(c)(i) (which were inserted by Education Reform Act 1988 (c. 40), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 74(a)**) substituted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 79(1)(a)**, S.I. 1992/831, art. 2, **Sch. 1**
- F99** Words in s. 25(6)(c)(i) substituted (S.) by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), s. 82(1), **Sch. 10 para. 5(3)**.
- F100** Words in s. 25(6)(c)(i) substituted (31.12.2004) by 2000 asp 6, ss. 60(2), 61(3), **Sch. 2 para. 2(2)**; S.S.I. 2004/528, **art. 2**
- F101** “(a) or” repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 74(b)**, **Sch. 13 Pt. II**
- F102** Words in s. 25(6)(c)(iii) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 35(4)(a)**
- F103** S. 25(6)(d) repealed (28.7.2000 so far as consequential upon ss. 130, 131, **Sch. 8** and otherwise *prosp.*) by 2000 c. 21, ss. 153, 154, **Sch. 1**
- F104** S. 25(6)(e) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**Modifications etc. (not altering text)**

- C11** S. 25 applied (E.W.)(1.4.1994) by S.I. 1994/653, reg. 42, **Sch. Pt. I**  
S. 25 applied (E.W.)(9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**
- C12** S. 25: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C13** S. 25(2) modified (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 para. 79(2)**; S.I. 1992/831, art. 2, **Sch. 1**

**[<sup>F53</sup>25A General duty: post-16 education and training etc.**

- (1) The Learning and Skills Council for England [<sup>F54</sup>and the [<sup>F55</sup>Welsh Ministers]] shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without sex discrimination.
- (2) Facilities falling within this subsection are facilities for—
- education,
  - training, and
  - organised leisure-time occupation connected with such education or training, the provision of which is secured by the Learning and Skills Council for England [<sup>F56</sup>or the [<sup>F57</sup>Welsh Ministers by virtue of their functions] under Part 2 of the Learning and Skills Act 2000].
- [<sup>F58</sup>(3) The provisions of section 25 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1) by the Learning and Skills Council for England.”
- (4) There shall be no sanction for breach of the general duty in subsection (1) by the [<sup>F59</sup>Welsh Ministers].
- (5) Subsections (3) and (4) are without prejudice to the enforcement of section 23A under section 66 or otherwise (where the breach is also a contravention of that section).]]

**Textual Amendments**

- F53** S. 25A inserted (28.7.2000 so far as consequential upon ss. 130, 131, **Sch. 8** and 1.4.2001 in relation to England and Wales otherwise) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 6**; S.I. 2001/654, art. 2(2),

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- Sch. Pt. II** (with savings and transitional provisions in art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (with savings and transitional provisions in art. 3)
- F54** Words in s. 25A(1) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 5(a)** (with transitional provisions in art. 7)
- F55** Words in s. 25A(1) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 6(2)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F56** Words in s. 25A(2) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 5(b)** (with transitional provisions in art. 7)
- F57** Words in s. 25A(2) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 6(3)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F58** S. 25A(3)-(5) substituted (1.4.2006) for s. 25A(3) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 5(c)** (with transitional provisions in art. 7)
- F59** Words in s. 25A(4) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 6(4)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))

## 26 Exception for single-sex establishments.

- (1) [<sup>F60</sup>Section 22(1)(a) and (b)] [<sup>F61</sup>, 25 and 25A] 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—
- whose admission is exceptional, or
  - 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>F62</sup>sections 22(1)(a) and (b)] [<sup>F61</sup>, 25 and 25A] do not apply to the admission of boarders and [<sup>F63</sup>sections 22(1)(c)(i)] and 25 do not apply to boarding facilities.
- (3) Where an establishment is a single-sex establishment by reason of its inclusion in subsection (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 section 22(c)(i) or the duty in section 25 [<sup>F64</sup>or 25A].
- [<sup>F65</sup>(4) In this section, as it applies to an establishment in England and Wales, "pupil" includes any person who receives education at that establishment.]

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*Changes to legislation:* There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

### Textual Amendments

- F60** Words in s. 26(1) substituted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(4\)\(a\)](#)
- F61** Words in s. 26(1)(2) substituted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales and otherwise *prosp.*) by [2000 c. 21](#), [ss. 149, 154](#), [Sch. 9 para. 7\(1\)\(2\)](#); [S.I. 2001/654](#), [art. 2\(2\)](#), [Sch. Pt. II](#) (with savings and transitional provisions in [art. 3](#)); [S.I. 2001/1274](#), [art. 2\(1\)](#), [Sch. Pt. I](#) (with savings and transitional provisions in [art. 3](#))
- F62** Words in s. 26(2) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(4\)\(b\)](#)
- F63** Words in s. 26(2) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(4\)\(b\)](#)
- F64** Words in s. 26(3) inserted (28.7.2000 so far as consequential upon ss. 130, 131, Sch. 8 and 1.4.2001 in relation to England and Wales and otherwise *prosp.*) by [2000 c. 21](#), [ss. 149, 154](#), [Sch. 9 para. 7\(1\)\(3\)](#); [S.I. 2001/654](#), [art. 2\(2\)](#), [Sch. Pt. II](#) (with savings and transitional provisions in [art. 3](#)); [S.I. 2001/1274](#), [art. 2\(1\)](#), [Sch. Pt. I](#) (with savings and transitional provisions in [art. 3](#))
- F65** S. 26(4) added (1.8.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), [s. 93\(1\)](#), [Sch. 8 Pt. II para. 80](#); [S.I. 1992/831](#), [art. 2](#), [Sch. 4](#)

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

(1) Where at any time—

- (a) the responsible body for single-sex establishment falling within column 1 of the table in <sup>[F66]</sup>section 22(1) determines to alter its admissions arrangements so that the establishment will cease to be a single-sex establishment, or
- (b) section 26(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 section 26(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.

<sup>[F67]</sup>(1A) Without prejudice to subsection (1), a transitional exemption order may be made—

- (a) in accordance with regulations made by virtue of section 21(5) of the Education and Inspections Act 2006 (which relates to the alteration of maintained schools in England), or
- (b) in accordance with paragraph 21 or 22 of Schedule 6 or paragraph 16 or 17 of Schedule 7 to the School Standards and Framework Act 1998 (which relate to the alteration of maintained schools and the rationalisation of school places in Wales).]

(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 Act.

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

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

*Status: Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)*

(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 Act.

[<sup>F68</sup>(6) In this section, as it applies to an establishment in England and Wales, “pupil” includes any person who receives education at that establishment.]

#### Textual Amendments

- F66** Words in s. 27(1) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 22\(5\)](#)
- F67** S. 27(1A) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 30, 188, [Sch. 3 para. 3](#); [S.I. 2007/935](#), [art. 7\(o\)](#)
- F68** S. 27(6) added (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para. 81](#); [S.I. 1992/831](#), art. 2, [Sch. 3](#).

#### Modifications etc. (not altering text)

- C10** S. 27(1) applied (1.9.1999) by [1998 c. 31](#), s. 34, [Sch. 7 Pt. VI para. 16\(6\)](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#)

## 28 Exception for physical training.

<sup>F69</sup>

#### Textual Amendments

- F69** S. 28 repealed (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 23\(1\)\(a\)](#)

*Goods, facilities, services and premises*<sup>F70</sup>

#### Textual Amendments

- F70** [Ss. 35A, 35B](#) inserted by virtue of [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), ss. 64(1), 65(1), [Sch. 19 para. 1](#)

## 29 Discrimination in provision of goods, facilities or services.

- (1) It is unlawful for any person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public to discriminate against a woman who seeks to obtain or use those goods, facilities or services—
- (a) by refusing or deliberately omitting to provide her with any of them, or
  - (b) by refusing or deliberately omitting to provide her with goods, facilities or services of the like quality, in the like manner and on the like terms as are normal in his case in relation to male members of the public or (where she belongs to a section of the public) to male members of that section.



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(2) The following are examples of the facilities and services mentioned in subsection (1)

- (a) access to and use of any place which members of the public or a section of the public are permitted to enter;
- (b) accommodation in a hotel, boarding house or other similar establishment;
- (c) facilities by way of banking or insurance or for grants, loans, credit or finance;
- (d) facilities for education;
- (e) facilities for entertainment, recreation or refreshment;
- (f) facilities for transport or travel;
- (g) the services of any profession or trade, or any local or other public authority.

(3) For the avoidance of doubt it is hereby declared that where a particular skill is commonly exercised in a different way for men and for women it does not contravene subsection (1) for a person who does not normally exercise it for women to insist on exercising it for a woman only in accordance with his normal practice or, if he reasonably considers it impracticable to do that in her case, to refuse or deliberately omit to exercise it.

[<sup>F71</sup>(4) In its application in relation to vocational training to discrimination falling within section 2A, subsection (1)(b) shall have effect as if references to male members of the public, or of a section of the public, were references to members of the public, or of a section of the public, who do not intend to undergo, are not undergoing and have not undergone gender reassignment.]

#### Textual Amendments

**F71** S. 29(4) inserted (1.5.1999) by [S.I. 1999/1102](#), [reg. 6](#)

### 30 Discrimination in disposal or management of premises.

(1) It is unlawful for a person, in relation to premises in Great Britain of which he has power to dispose, to discriminate against a woman—

- (a) in the terms on which he offers her those premises, or
- (b) by refusing her application for those premises, or
- (c) in his treatment of her in relation to any list of persons in need of premises of that description.

(2) It is unlawful for a person, in relation to premises managed by him, to discriminate against a woman occupying the premises—

- (a) in the way he affords her access to any benefits or facilities, or by refusing or deliberately omitting to afford her access to them, or
- (b) by evicting her, or subjecting her to any other detriment.

(3) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless he uses the services of an estate agent for the purposes of the disposal of the premises, or publishes or causes to be published an advertisement in connection with the disposal.

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### **31 Discrimination: consent for assignment or sub-letting.**

- (1) Where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises in Great Britain comprised in a tenancy, it is unlawful for the landlord or other person to discriminate against a woman by withholding the licence or consent for disposal of the premises to her.
- (2) Subsection (1) does not apply if—
  - (a) the person withholding a licence or consent, or a near relative of his (“the relevant occupier”) resides, and intends to continue to reside, on the premises, and
  - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household, and
  - (c) the premises are small premises as defined in section 32(2).
- (3) In this section “tenancy” means a tenancy created by a lease or sub-lease, by an agreement for a lease or sub-lease or by a tenancy agreement or in pursuance of any enactment; and “disposal”, in relation to premises comprised in a tenancy, includes assignment or assignation of the tenancy and sub-letting or parting with possession of the premises or any part of the premises.
- (4) This section applies to tenancies created before the passing of this Act, as well as to others.

### **32 Exception for small dwellings.**

- (1) Sections 29(1) and 30 do not apply to the provision by a person of accommodation in any premises, or the disposal of premises by him, if—
  - (a) that person or a near relative of his (“the relevant occupier”) resides, and intends to continue to reside, on the premises, and
  - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household, and
  - (c) the premises are small premises.
- (2) Premises shall be treated for the purposes of subsection (1) as small premises if—
  - (a) in the case of premises comprising residential accommodation for one or more households (under separate letting or similar agreements) in addition to the accommodation occupied by the relevant occupier, there is not normally residential accommodation for more than two such households and only the relevant occupier and any member of his household reside in the accommodation occupied by him;
  - (b) in the case of premises not falling within paragraph (a), there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

### **33 Exception for political parties.**

- (1) This section applies to a political party if—



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- (a) it has as its main object, or one of its main objects, the promotion of parliamentary candidatures for the Parliament of the United Kingdom, or
  - (b) it is an affiliate of, or has as an affiliate, or has similar formal links with, a political party within paragraph (a).
- (2) Nothing in section 29(1) shall be construed as affecting any special provision for persons of one sex only in the constitution, organisation or administration of the political party.
- (3) Nothing in section 29(1) shall render unlawful an act done in order to give effect to such a special provision.

### **34 Exception for voluntary bodies.**

- (1) This section applies to a body—
- (a) the activities of which are carried on otherwise than for profit, and
  - (b) which was not set up by any enactment.
- (2) Sections 29(1) and 30 shall not be construed as rendering unlawful—
- (a) the restriction of membership of any such body to persons of one sex (disregarding any minor exceptions), or
  - (b) the provision of benefits, facilities or services to members of any such body where the membership is so restricted,
- even though membership of the body is open to the public, or to a section of the public.
- (3) Nothing in section 29 or 30 shall—
- (a) be construed as affecting a provision to which this subsection applies, or
  - (b) render unlawful an act which is done in order to give effect to such a provision.
- (4) Subsection (3) applies to a provision for conferring benefits on persons of one sex only (disregarding any benefits to persons of the opposite sex which are exceptional or are relatively insignificant), being a provision which constitutes the main object of a body within subsection (1).

### **35 Further exceptions from ss. 29(1) and 30.**

- (1) A person who provides at any place facilities or services restricted to men does not for that reason contravene section 29(1) if—
- (a) the place is, or is part of, a hospital, [<sup>F72</sup>resettlement unit provided under Schedule 5 to the Supplementary Benefits Act 1976] or other establishment for persons requiring special care, supervision or attention, or
  - (b) the place is (permanently or for the time being) occupied or used for the purposes of an organised religion, and the facilities or services are restricted to men so as to comply with the doctrines of that religion or avoid offending the religious susceptibilities of a significant number of its followers, or
  - (c) the facilities or services are provided for, or are likely to be used by, two or more persons at the same time, and
    - (i) the facilities or services are such, or those persons are such, that male users are likely to suffer serious embarrassment at the presence of a woman, or

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- (ii) the facilities or services are such that a user is likely to be in a state of undress and a male user might reasonably object to the presence of a female user.
- (2) A person who provides facilities or services restricted to men does not for that reason contravene section 29(1) if the services or facilities are such that physical contact between the user and any other person is likely, and that other person might reasonably object if the user were a woman.
- (3) Sections 29(1) and 30 do not apply—
- (a) to discrimination which is rendered unlawful by any provision in column 1 of the table below, or
  - (b) to discrimination which would be so unlawful but for any provision in column 2 of that table, or
  - (c) to discrimination which contravenes a term modified or included by virtue of an equality clause.

TABLE

<i>Provision creating illegality</i>	<i>Exception</i>
Part II	Sections 6(3), 7(1)(b), 15(4), 19 and 20. Schedule 4 paragraphs 1 and 2.
Section 22 or 23	[ <sup>F73</sup> Sections 26 and 27] Schedule 4 paragraph 4.

#### Textual Amendments

**F72** Words substituted by [Social Security Act 1980 \(c. 30, SIF 113:1\)](#), [Sch. 4 para. 11](#)

**F73** Words in s. 35 substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 23\(1\)\(b\)](#)

VALID FROM 06/04/2008

#### [<sup>F74</sup>35ZAE] Excluded matters

Each of the following is an excluded matter for the purposes of sections 29 to 31—

- (a) education (including vocational training);
- (b) the content of media and advertisements;
- (c) the provision of goods, facilities or services (not normally provided on a commercial basis) at a place (permanently or for the time being) occupied or used for the purposes of an organised religion.]

#### Textual Amendments

**F74** S. 35ZA inserted (6.4.2008) by [The Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), [reg. 2\(1\)](#), [Sch. 1 para. 9\(1\)](#)

*Status:* Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

## Barristers

### 35A <sup>F75</sup> . . . Barristers.

- (1) It is unlawful for a barrister or barrister's clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a woman—
- in the arrangements which are made for the purpose of determining to whom it should be offered;
  - in respect of any terms on which it is offered; or
  - by refusing, or deliberately omitting, to offer it to her.

- (2) It is unlawful for a barrister or barrister's clerk, in relation to a woman who is a pupil or tenant in the chambers in question, to discriminate against her—
- in respect of any terms applicable to her as a pupil or tenant;
  - in the opportunities for training, or gaining experience, which are afforded or denied to her;
  - in the benefits, facilities or services which are afforded or denied to her; or
  - by terminating her pupillage or by subjecting her to any pressure to leave the chambers or other detriment.

[<sup>F76</sup>(2A) It is unlawful for a barrister or barrister's clerk, in relation to a pupillage or tenancy, to subject to harassment a person who is, or who has applied to be, a pupil or tenant in the set of chambers concerned.]

- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, [<sup>F77</sup> to—
- discriminate against a woman by subjecting her to a detriment, or
  - subject a woman to harassment.]

(4) In this section— “barrister's clerk” includes any person carrying out any of the functions of a barrister's clerk; and “pupil”, “pupillage”, “tenancy” and “tenant” have the meanings commonly associated with their use in the context of a set of barristers' chambers [<sup>F78</sup>, but “tenant” shall also include any barrister permitted to work in a set of chambers who is not a tenant (and “tenancy” shall be construed accordingly).]

(5) Section 3 applies for the purposes of this section as it applies for the purposes of any provision of Part II.

(6) This section does not apply to Scotland.

#### Textual Amendments

**F75** S. 35A: words in heading omitted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 24\(2\)](#)

**F76** S. 35A(2A) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 24\(3\)](#)

**F77** Words in s. 35A(3) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 24\(4\)](#)

**F78** Words in s. 35A(4) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 24\(5\)](#)

*Status: Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)*

### Advocates

#### 35B <sup>F79</sup> . . . Advocates.

- (1) It is unlawful for an advocate, in relation to taking any person as his pupil, to discriminate against a woman—
  - (a) in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
  - (b) in respect of any terms on which he offers to take her as his pupil; or
  - (c) by refusing, or deliberately omitting, to take her as his pupil.
- (2) It is unlawful for an advocate, in relation to a woman who is a pupil, to discriminate against her—
  - (a) in respect of any terms applicable to her as a pupil;
  - (b) in the opportunities for training, or gaining experience, which are afforded or denied to her;
  - (c) in the benefits, facilities or services which are afforded or denied to her; or
  - (d) by terminating the relationship or by subjecting her to any pressure to terminate the relationship or other detriment.
- [<sup>F80</sup>(2A) It is unlawful for an advocate, in relation to taking any person as that advocate's pupil, to subject to harassment a person who is, or who has applied to be taken as, his pupil.]
- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to an advocate, to discriminate against a woman [<sup>F81</sup>by subjecting her to a detriment or to subject her to harassment] .
- (4) In this section— “advocate” means a member of the Faculty of Advocates practising as such; and “pupil” has the meaning commonly associated with its use in the context of a person training to be an advocate.
- (5) Section 3 applies for the purposes of this section as it applies for the purposes of any provision of Part II.
- (6) This section does not apply to England and Wales.

#### Textual Amendments

- F79** S. 35B: words in heading omitted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 25(2)**
- F80** S. 35B(2A) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 25(3)**
- F81** Words in s. 35B(3) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 25(4)**

[<sup>F82</sup>*Relationships which have come to an end*]

#### Textual Amendments

- F82** S. 35C and cross-heading inserted (19.7.2003) by [The Sex Discrimination Act 1975 \(Amendment\) Regulations 2003 \(S.I. 2003/1657\)](#), **reg. 4**

**Status:** Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

### [<sup>F83</sup>35C Relationships which have come to an end

- (1) This section applies where—
  - (a) there has been a relevant relationship between a woman and another person (“the relevant person”), and
  - (b) the relationship has come to an end (whether before or after the commencement of this section).
- (2) In this section, a “relevant relationship” is a relationship during the course of which an act of discrimination by one party to the relationship against the other party to it is unlawful under—
  - (a) section 35A or 35B, or
  - (b) any other provision of this Part, so far as the provision applies to vocational training.
- (3) It is unlawful for the relevant person to discriminate against the woman by subjecting her to a detriment where the discrimination arises out of and is closely connected to the relevant relationship.

[ It is unlawful for the relevant person to subject a woman to harassment where that <sup>F84</sup>(4) treatment arises out of or is closely connected to the relevant relationship. ]]

#### Textual Amendments

- F83** S. 35C and cross-heading inserted (19.7.2003) by [The Sex Discrimination Act 1975 \(Amendment\) Regulations 2003 \(S.I. 2003/1657\)](#), [reg. 4](#)
- F84** S. 35C(4) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 26](#)

#### Extent

### 36 Extent of Part III.

- (1) Section 29(1)—
  - (a) does not apply to goods, facilities or services outside Great Britain except as provided in subsections (2) and (3), and
  - (b) does not apply to facilities by way of banking or insurance or for grants, loans, credit or finance, where the facilities are for a purpose to be carried out, or in connection with risks wholly or mainly arising, outside Great Britain.
- (2) Section 29(1) applies to the provision of facilities for travel outside Great Britain where the refusal or omission occurs in Great Britain or on a ship, aircraft or hovercraft within subsection (3).
- (3) Section 29(1) applies on and in relation to—
  - (a) any ship registered at a port of registry in Great Britain, and
  - (b) any aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain,

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*Status:* Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III. (See end of Document for details)

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- (c) any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the Government of the United Kingdom,  
even if the ship, aircraft or hovercraft is outside Great Britain.
- (4) This section shall not render unlawful an act done in or over a country outside the United Kingdom, or in or over that country's territorial waters, for the purpose of complying with the laws of that country.
- (5) Sections 22, 23 and 25 do not apply to benefits, facilities or services outside Great Britain except—
  - (a) travel on a ship registered at a port of registry in Great Britain, and
  - (b) benefits, facilities or services provided on a ship so registered.

**Status:**

Point in time view as at 25/05/2007. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part III.