



Sex Discrimination Act 1975

1975 CHAPTER 65

PART V

GENERAL EXCEPTIONS FROM PARTS II TO IV

43 Charities

- (1) Nothing in Parts II to IV 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.
- (2) Subsection (1) 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 is contained in a charitable instrument.
- (3) In the application of this section to England and Wales—
 - (a) "charitable instrument" means an enactment or other instrument passed or made for charitable purposes, or an enactment or other instrument so far as it relates to charitable purposes;
 - (b) "charitable purposes" means purposes which are exclusively charitable according to the law of England and Wales.
- (4) In the application of this section to Scotland "charitable instrument" means an enactment or instrument passed or made by or on behalf of a body of persons or trust established for charitable purposes only.

44 Sport etc.

Nothing in Parts II to IV shall, in relation to any sport, game or other activity of a competitive nature where the physical strength, stamina or physique of the average woman puts her at a disadvantage to the average man, render unlawful any act related to the participation of a person as a competitor in events involving that activity which are confined to competitors of one sex.

Status: This is the original version (as it was originally enacted).

45 Insurance etc.

Nothing in Parts II to IV shall render unlawful the treatment of a person in relation to an annuity, life assurance policy, accident insurance policy, or similar matter involving the assessment of risk, where the treatment—

- (a) was effected by reference to actuarial or other data from a source on which it was reasonable to rely, and
- (b) was reasonable having regard to the data and any other relevant factors.

46 Communal accommodation

- (1) In this section "communal accommodation" means residential accommodation which includes dormitories or other shared sleeping accommodation which for reasons of privacy or decency should be used by men only, or by women only (but which may include some shared sleeping accommodation for men, and some for women, or some ordinary sleeping accommodation).
- (2) In this section "communal accommodation" also includes residential accommodation all or part of which should be used by men only, or by women only, because of the nature of the sanitary facilities serving the accommodation.
- (3) Nothing in Part II or III shall render unlawful sex discrimination in the admission of persons to communal accommodation if the accommodation is managed in a way which, given the exigencies of the situation, comes as near as may be to fair and equitable treatment of men and women.
- (4) In applying subsection (3) account shall be taken of—
 - (a) whether and how far it is reasonable to expect that the accommodation should be altered or extended, or that further alternative accommodation should be provided; and
 - (b) the frequency of the demand or need for use of the accommodation by men as compared with women.
- (5) Nothing in Part II or III shall render unlawful sex discrimination against a woman, or against a man, as respects the provision of any benefit, facility or service if—
 - (a) the benefit, facility or service cannot properly and effectively be provided except for those using communal accommodation, and
 - (b) in the relevant circumstances the woman or, as the case may be, the man could lawfully be refused the use of the accommodation by virtue of subsection (3).
- (6) Neither subsection (3) nor subsection (5) is a defence to an act of sex discrimination under Part II unless such arrangements as are reasonably practicable are made to compensate for the detriment caused by the discrimination; but in considering under subsection (5)(b) whether the use of communal accommodation could lawfully be refused (in a case based on Part II), it shall be assumed that the requirements of this subsection have been complied with as respects subsection (3).
- (7) Section 25 shall not apply to sex discrimination within subsection (3) or (5).
- (8) This section is without prejudice to the generality of section 35(1)(c).

47 Discriminatory training by certain bodies

(1) Nothing in Parts II to IV shall render unlawful any act done in relation to particular work by a training body in, or in connection with—

- (a) affording women only, or men only, access to facilities for training which would help to fit them for that work, or
- (b) encouraging women only, or men only, to take advantage of opportunities for doing that work,

where it appears to the training body that at any time within the 12 months immediately preceding the doing of the act there were no persons of the sex in question doing that work in Great Britain, or the number of persons of that sex doing the work in Great Britain was comparatively small.

(2) Where in relation to particular work it appears to a training body that although the condition for the operation of subsection (1) is not met for the whole of Great Britain it is met for an area within Great Britain, nothing in Parts II to IV shall render unlawful any act done by the training body in, or in connection with—

- (a) affording persons who are of the sex in question, and who appear likely to take up that work in that area, access to facilities for training which would help to fit them for that work, or
- (b) encouraging persons of that sex to take advantage of opportunities in the area for doing that work.

(3) Nothing in Parts II to IV shall render unlawful any act done by a training body in, or in connection with, affording persons access to facilities for training which would help to fit them for employment, where it appears to the training body that those persons are in special need of training by reason of the period for which they have been discharging domestic or family responsibilities to the exclusion of regular full time employment.

The discrimination in relation to which this subsection applies may result from confining the training to persons who have been discharging domestic or family responsibilities, or from the way persons are selected for training, or both.

(4) In this section " training body " means—

- (a) a person mentioned in section 14(2)(a) or (b), or
- (b) any other person being a person designated for the purposes of this section in an order made by or on behalf of the Secretary of State,

and a person may be designated under paragraph (b) for the purposes of subsections (1) and (2) only, or of subsection (3) only, or for all those subsections.

48 Other discriminatory training etc.

(1) Nothing in Parts II to IV shall render unlawful any act done by an employer in relation to particular work in his employment, being an act done in, or in connection with.—

- (a) affording his female employees only, or his male employees only, access to facilities for training which would help to fit them for that work, or
- (b) encouraging women only, or men only, to take advantage of opportunities for doing that work,

where at any time within the twelve months immediately preceding the doing of the act there were no persons of the sex in question among those doing that work or the number of persons of that sex doing the work was comparatively small.

Status: This is the original version (as it was originally enacted).

- (2) Nothing in section 12 shall render unlawful any act done by an organisation to which that section applies in, or in connection with.—
- (a) affording female members of the organisation only, or male members of the organisation only, access to facilities for training which would help to fit them for holding a post of any kind in the organisation, or
 - (b) encouraging female members only, or male members only, to take advantage of opportunities for holding such posts in the organisation,
- where at any time within the twelve months immediately preceding the doing of the act there were no persons of the sex in question among persons holding such posts in the organisation or the number of persons of that sex holding such posts was comparatively small.
- (3) Nothing in Parts II to IV shall render unlawful any act done by an organisation to which section 12 applies in, or in connection with, encouraging women only, or men only, to become members of the organisation where at any time within the twelve months immediately preceding the doing of the act there were no persons of the sex in question among those members or the number of persons of that sex among the members was comparatively small.

49 Trade unions etc.: elective bodies

- (1) If an organisation to which section 12 applies comprises a body the membership of which is wholly or mainly elected, nothing in section 12 shall render unlawful provision which ensures that a minimum number of persons of one sex are members of the body—
- (a) by reserving seats on the body for persons of that sex, or
 - (b) by making extra seats on the body available (by election or co-option or otherwise) for persons of that sex on occasions when the number of persons of that sex in the other seats is below the minimum,
- where in the opinion of the organisation the provision is in the circumstances needed to secure a reasonable lower limit to the number of members of that sex serving on the body; and nothing in Parts II to IV shall render unlawful any act done in order to give effect to such a provision.
- (2) This section shall not be taken as making lawful—
- (a) discrimination in the arrangements for determining the persons entitled to vote in an election of members, of the body, or otherwise to choose the persons to serve on the body, or
 - (b) discrimination in any arrangements concerning membership of the organisation itself.

50 Indirect access to benefits etc.

- (1) References in this Act to the affording by any person of access to benefits, facilities or services are not limited to benefits, facilities or services provided by that person himself, but include any means by which it is in that person's power to facilitate access to benefits, facilities or services provided by any other person (the "actual provider").
- (2) Where by any provision of this Act the affording by any person of access to benefits, facilities or services in a discriminatory way is in certain circumstances prevented

from being unlawful, the effect of the provision shall extend also to the liability under this Act of any actual provider.

51 Acts done under statutory authority

- (1) Nothing in Parts II to IV shall render unlawful any act done by a person if it was necessary for him to do it in order to comply with a requirement—
 - (a) of an Act passed before this Act; or
 - (b) of an instrument made or approved (whether before or after the passing of this Act) by or under an Act passed before this Act.
- (2) Where an Act passed after this Act re-enacts (with or without modification) a provision of an Act passed before this Act, subsection (1) shall apply to that provision as re-enacted as if it continued to be contained in an Act passed before this Act.

52 Acts safeguarding national security

- (1) Nothing in Parts II to IV shall render unlawful an act done for the purpose of safeguarding national security.
- (2) A certificate purporting to be signed by or on behalf of a Minister of the Crown and certifying that an act specified in the certificate was done for the purpose of safeguarding national security shall be conclusive evidence that it was done for that purpose.
- (3) A document purporting to be a certificate such as is mentioned in subsection (2) shall be received in evidence and, unless the contrary is proved, shall be deemed to be such a certificate.