

# **SEX DISCRIMINATION (ELECTION CANDIDATES) ACT 2002**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

8. [Sections 1](#) and [2](#) are the substantive sections of the Act. They insert in the 1975 Act and the 1976 Order respectively an exemption for positive measures (designed to reduce inequality in the numbers of men and women elected to certain bodies) from the general prohibition against discrimination on the grounds of sex.
9. [Section 1](#) inserts the exemption into Part V of the 1975 Act by way of a new section 42A.
10. To be able to rely on the new subsections (1) and (2), a political party in Great Britain (GB) must be registered under Part II of the Political Parties, Elections and Referendums Act 2000 ('the 2000 Act'). To put forward a candidate for elections in Great Britain, (to the Westminster Parliament, to the Scottish Parliament, the National Assembly for Wales, the European Parliament and to principal councils in GB), a party must in any case be registered in the Great Britain register under the 2000 Act. For elections to parish councils in England and community councils in Wales a party need not be registered under the 2000 Act, but nevertheless would need to do so in order to use the provisions of this Act.
11. A separate register under the 2000 Act operates for political parties putting forward candidates for elections in Northern Ireland.
12. New subsection (3) defines the elections to which the exemption can apply within Great Britain. The local government elections defined in subsection 3(e) are those to the London Assembly, county councils, district councils, London boroughs and parishes and in Scotland, to local authority councils. Equivalent Welsh authorities are also covered (county boroughs and communities) as are the Council of the Isles of Scilly and the Common Council of the City of London. The Act does not cover directly elected mayors and excludes the Mayor of London.
13. [Section 2](#) of the Act inserts a new Article in the 1976 Order, Article 43A, to make equivalent provision, as set out above, for those political parties putting forward candidates to elections in Northern Ireland. As in Great Britain, under the 2000 Act, for a political party to put forward candidates in Northern Ireland it must register in the Northern Ireland register.
14. A political party wishing to put forward candidates for elections in both Great Britain and Northern Ireland would need to register in both registers. Under the 2000 Act a party registering in both registers would be treated as if it were two separate parties.
15. [Section 3](#) of the Act causes the provisions of the Act to expire at the end of 2015. This should allow for at least 3 elections to have taken place for each body in the UK from the date when the provisions of the Act come into force. Beyond this, section 3 allows the provisions of the Act to continue in force only if provision is made by an order made

*These notes refer to the Sex Discrimination (Election Candidates)  
Act 2002 (c.2) which received Royal Assent on 26 February 2002*

by statutory instrument. Such an order may only be made where a draft of it has been approved by each House of Parliament.