

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16: General and Miscellaneous

Schedule 14: Educational charities and endowments

Educational charities: paragraph 1

Effect

899. This paragraph provides for trust deeds or other instruments concerning educational charities which restrict available benefits to a single sex to be modified by a Minister of the Crown. This cannot be done within 25 years of the trust being created without the consent of the donor, or the donor's or testator's personal representatives. Applicants need to publish particulars of the proposal and invite representations for the Minister to consider before making the order.

Background

900. This paragraph replicates provisions in section 78 of the Sex Discrimination Act 1975. It is likely to happen when a single-sex school becomes co-educational, and so wants to enable both sexes to benefit from a particular charity connected with the school.

Example

- A single-sex (boys') grammar school now allows girls into its sixth form and wishes to modify a trust deed which offers scholarships and help with tuition for boys of the school wanting to go to university – so that it can also offer help to girls.

Educational endowments: paragraph 2

901. A similar power to that in paragraph 1 is given to the Scottish Ministers to modify educational endowments administered in Scotland.