



# Equality Act 2010

## 2010 CHAPTER 15

### PART 16

#### GENERAL AND MISCELLANEOUS

##### *Interpretation*

#### **212 General interpretation**

(1) In this Act—

“armed forces” means any of the naval, military or air forces of the Crown;

“the Commission” means the Commission for Equality and Human Rights;

“detriment” does not, subject to subsection (5), include conduct which amounts to harassment;

“the Education Acts” has the meaning given in section 578 of the Education Act 1996;

“employment” and related expressions are (subject to subsection (11)) to be read with section 83;

“enactment” means an enactment contained in—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) an Act or Measure of the National Assembly for Wales, or
- (d) subordinate legislation;

“equality clause” means a sex equality clause or maternity equality clause;

“equality rule” means a sex equality rule or maternity equality rule;

“man” means a male of any age;

“maternity equality clause” has the meaning given in section 73;

“maternity equality rule” has the meaning given in section 75;

“non-discrimination rule” has the meaning given in section 61;

“occupational pension scheme” has the meaning given in section 1 of the Pension Schemes Act 1993;

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*Status: This is the original version (as it was originally enacted).*

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- “parent” has the same meaning as in—
- (a) the Education Act 1996 (in relation to England and Wales);
  - (b) the Education (Scotland) Act 1980 (in relation to Scotland);
- “prescribed” means prescribed by regulations;
- “profession” includes a vocation or occupation;
- “sex equality clause” has the meaning given in section 66;
- “sex equality rule” has the meaning given in section 67;
- “subordinate legislation” means—
- (a) subordinate legislation within the meaning of the [Interpretation Act 1978](#), or
  - (b) an instrument made under an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales;
- “substantial” means more than minor or trivial;
- “trade” includes any business;
- “woman” means a female of any age.
- (2) A reference (however expressed) to an act includes a reference to an omission.
  - (3) A reference (however expressed) to an omission includes (unless there is express provision to the contrary) a reference to—
    - (a) a deliberate omission to do something;
    - (b) a refusal to do it;
    - (c) a failure to do it.
  - (4) A reference (however expressed) to providing or affording access to a benefit, facility or service includes a reference to facilitating access to the benefit, facility or service.
  - (5) Where this Act disapplies a prohibition on harassment in relation to a specified protected characteristic, the disapplication does not prevent conduct relating to that characteristic from amounting to a detriment for the purposes of discrimination within section 13 because of that characteristic.
  - (6) A reference to occupation, in relation to premises, is a reference to lawful occupation.
  - (7) The following are members of the executive—
    - (a) a Minister of the Crown;
    - (b) a government department;
    - (c) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government;
    - (d) any part of the Scottish Administration.
  - (8) A reference to a breach of an equality clause or rule is a reference to a breach of a term modified by, or included by virtue of, an equality clause or rule.
  - (9) A reference to a contravention of this Act does not include a reference to a breach of an equality clause or rule, unless there is express provision to the contrary.
  - (10) “Member”, in relation to an occupational pension scheme, means an active member, a deferred member or a pensioner member (within the meaning, in each case, given by section 124 of the Pensions Act 1995).
  - (11) “Employer”, “deferred member”, “pension credit member”, “pensionable service”, “pensioner member” and “trustees or managers” each have, in relation to an

occupational pension scheme, the meaning given by section 124 of the Pensions Act 1995.

- (12) A reference to the accrual of rights under an occupational pension scheme is to be construed in accordance with that section.
- (13) Nothing in section 28, 32, 84, 90, 95 or 100 is to be regarded as an express exception.

### **213 References to maternity leave, etc.**

- (1) This section applies for the purposes of this Act.
- (2) A reference to a woman on maternity leave is a reference to a woman on—
  - (a) compulsory maternity leave,
  - (b) ordinary maternity leave, or
  - (c) additional maternity leave.
- (3) A reference to a woman on compulsory maternity leave is a reference to a woman absent from work because she satisfies the conditions prescribed for the purposes of section 72(1) of the Employment Rights Act 1996.
- (4) A reference to a woman on ordinary maternity leave is a reference to a woman absent from work because she is exercising the right to ordinary maternity leave.
- (5) A reference to the right to ordinary maternity leave is a reference to the right conferred by section 71(1) of the Employment Rights Act 1996.
- (6) A reference to a woman on additional maternity leave is a reference to a woman absent from work because she is exercising the right to additional maternity leave.
- (7) A reference to the right to additional maternity leave is a reference to the right conferred by section 73(1) of the Employment Rights Act 1996.
- (8) “Additional maternity leave period” has the meaning given in section 73(2) of that Act.

### **214 Index of defined expressions**

Schedule 28 lists the places where expressions used in this Act are defined or otherwise explained.