



Equality Act 2010

2010 CHAPTER 15

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

4 The protected characteristics

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

5 Age

(1) In relation to the protected characteristic of age—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

Status: Point in time view as at 01/08/2012.

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- (2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

6 Disability

- (1) A person (P) has a disability if—
- (a) P has a physical or mental impairment, and
 - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.
- (2) A reference to a disabled person is a reference to a person who has a disability.
- (3) In relation to the protected characteristic of disability—
- (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
- (4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
- (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
 - (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
- (5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
- (6) Schedule 1 (disability: supplementary provision) has effect.

Commencement Information

- II** S. 6 wholly in force; s. 6 not in force at Royal Assent see s. 216; s. 6(5) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; s. 6(6) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, art. 2; s. 6 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(2)(b) (with art. 15)

7 Gender reassignment

- (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
- (3) In relation to the protected characteristic of gender reassignment—
- (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

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- (b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

8 Marriage and civil partnership

- (1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.
- (2) In relation to the protected characteristic of marriage and civil partnership—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

9 Race

- (1) Race includes—
 - (a) colour;
 - (b) nationality;
 - (c) ethnic or national origins.
- (2) In relation to the protected characteristic of race—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
 - (b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.
- (3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.
- (4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.
- (5) A Minister of the Crown may by order—
 - (a) amend this section so as to provide for caste to be an aspect of race;
 - (b) amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.
- (6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

10 Religion or belief

- (1) Religion means any religion and a reference to religion includes a reference to a lack of religion.
- (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
- (3) In relation to the protected characteristic of religion or belief—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;

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- (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

11 Sex

In relation to the protected characteristic of sex—

- (a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

12 Sexual orientation

(1) Sexual orientation means a person's sexual orientation towards—

- (a) persons of the same sex,
- (b) persons of the opposite sex, or
- (c) persons of either sex.

(2) In relation to the protected characteristic of sexual orientation—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
- (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

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