

*Status: Point in time view as at 01/08/2012.*

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## SCHEDULES

### SCHEDULE 22

Section 191

#### STATUTORY PROVISIONS

##### *Statutory authority*

- 1 (1) A person (P) does not contravene a provision specified in the first column of the table, so far as relating to the protected characteristic specified in the second column in respect of that provision, if P does anything P must do pursuant to a requirement specified in the third column.

<i>Specified provision</i>	<i>Protected characteristic</i>	<i>Requirement</i>
Parts 3 to 7	Age	A requirement of an enactment
Parts 3 to 7 and 12	Disability	A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment
Parts 3 to 7	Religion or belief	A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment
Section 29(6) and Sex Parts 6 and 7		A requirement of an enactment
Parts 3, 4, 6 and 7	Sexual orientation	A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment

- (2) A reference in the table to Part 6 does not include a reference to that Part so far as relating to vocational training.
- (3) In this paragraph a reference to an enactment includes a reference to—
- a Measure of the General Synod of the Church of England;
  - an enactment passed or made on or after the date on which this Act is passed.
- (4) In the table, a relevant requirement or condition is a requirement or condition imposed (whether before or after the passing of this Act) by—
- a Minister of the Crown;
  - a member of the Scottish Executive;
  - the National Assembly for Wales (constituted by the Government of Wales Act 1998);
  - the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.

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### Commencement Information

- II** Sch. 22 para. 1 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

### *Protection of women*

- 2 (1) A person (P) does not contravene a specified provision only by doing in relation to a woman (W) anything P is required to do to comply with—
- (a) a pre-1975 Act enactment concerning the protection of women;
  - (b) a relevant statutory provision (within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974) if it is done for the purpose of the protection of W (or a description of women which includes W);
  - (c) a requirement of a provision specified in Schedule 1 to the Employment Act 1989 (provisions concerned with protection of women at work).
- (2) The references to the protection of women are references to protecting women in relation to—
- (a) pregnancy or maternity, or
  - (b) any other circumstances giving rise to risks specifically affecting women.
- (3) It does not matter whether the protection is restricted to women.
- (4) These are the specified provisions—
- (a) Part 5 (work);
  - (b) Part 6 (education), so far as relating to vocational training.
- (5) A pre-1975 Act enactment is an enactment contained in—
- (a) an Act passed before the Sex Discrimination Act 1975;
  - (b) an instrument approved or made by or under such an Act (including one approved or made after the passing of the 1975 Act).
- (6) If an Act repeals and re-enacts (with or without modification) a pre-1975 enactment then the provision re-enacted must be treated as being in a pre-1975 enactment.
- (7) For the purposes of sub-paragraph (1)(c), a reference to a provision in Schedule 1 to the Employment Act 1989 includes a reference to a provision for the time being having effect in place of it.
- (8) This paragraph applies only to the following protected characteristics—
- (a) pregnancy and maternity;
  - (b) sex.

### Commencement Information

- I2** Sch. 22 para. 2 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

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*Educational appointments, etc: religious belief*

- 3 (1) A person does not contravene Part 5 (work) only by doing a relevant act in connection with the employment of another in a relevant position.
- (2) A relevant position is—
- (a) the head teacher or principal of an educational establishment;
  - (b) the head, a fellow or other member of the academic staff of a college, or institution in the nature of a college, in a university;
  - (c) a professorship of a university which is a canon professorship or one to which a canonry is annexed.
- (3) A relevant act is anything it is necessary to do to comply with—
- (a) a requirement of an instrument relating to the establishment that the head teacher or principal must be a member of a particular religious order;
  - (b) a requirement of an instrument relating to the college or institution that the holder of the position must be a woman;
  - (c) an Act or instrument in accordance with which the professorship is a canon professorship or one to which a canonry is annexed.
- (4) Sub-paragraph (3)(b) does not apply to an instrument taking effect on or after 16 January 1990 (the day on which section 5(3) of the Employment Act 1989 came into force).
- (5) A Minister of the Crown may by order provide that anything in sub-paragraphs (1) to (3) does not have effect in relation to—
- (a) a specified educational establishment or university;
  - (b) a specified description of educational establishments.
- (6) An educational establishment is—
- (a) a school within the meaning of the Education Act 1996 or the Education (Scotland) Act 1980;
  - (b) a college, or institution in the nature of a college, in a university;
  - (c) an institution designated by order made, or having effect as if made, under section 129 of the Education Reform Act 1988;
  - (d) a college of further education within the meaning of section 36 of the Further and Higher Education (Scotland) Act 1992;
  - (e) a university in Scotland;
  - (f) an institution designated by order under section 28 of the Further and Higher Education Act 1992 or section 44 of the Further and Higher Education (Scotland) Act 1992.
- (7) This paragraph does not affect paragraph 2 of Schedule 9.

**Commencement Information**

**I3** Sch. 22 para. 3 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

- 4 A person does not contravene this Act only by doing anything which is permitted for the purposes of—

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- (a) section 58(6) or (7) of the School Standards and Framework Act 1998 (dismissal of teachers because of failure to give religious education efficiently);
- (b) section 60(4) and (5) of that Act (religious considerations relating to certain appointments);
- (c) section 124A of that Act (preference for certain teachers at independent schools of a religious character).
- [<sup>F1</sup>(d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character).]

#### Textual Amendments

**F1** Sch. 22 para. 4(d) inserted (1.2.2012) by Education Act 2011 (c. 21), s. 62(4)(c); S.I. 2012/84, art. 3

#### Commencement Information

**I4** Sch. 22 para. 4 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

#### *Crown employment, etc.*

- 5 (1) A person does not contravene this Act—
- (a) by making or continuing in force rules mentioned in sub-paragraph (2);
  - (b) by publishing, displaying or implementing such rules;
  - (c) by publishing the gist of such rules.
- (2) The rules are rules restricting to persons of particular birth, nationality, descent or residence—
- (a) employment in the service of the Crown;
  - (b) employment by a prescribed public body;
  - (c) holding a public office (within the meaning of section 50).
- (3) The power to make regulations for the purpose of sub-paragraph (2)(b) is exercisable by the Minister for the Civil Service.
- (4) In this paragraph “public body” means a body (whether corporate or unincorporated) exercising public functions (within the meaning given by section 31(4)).

#### Commencement Information

**I5** Sch. 22 para. 5 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

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