

*Status: Point in time view as at 31/03/2021.*

*Changes to legislation: Equality Act 2010, Paragraph 2 is up to date with all changes known to be in force on or before 30 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

#### WORK: EXCEPTIONS

##### PART 1

#### OCCUPATIONAL REQUIREMENTS

*Religious requirements relating to sex, marriage etc., sexual orientation*

- 2 (1) A person (A) does not contravene a provision mentioned in sub-paragraph (2) by applying in relation to employment a requirement to which sub-paragraph (4) applies if A shows that—
- (a) the employment is for the purposes of an organised religion,
  - (b) the application of the requirement engages the compliance or non-conflict principle, and
  - (c) the person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).
- (2) The provisions are—
- (a) section 39(1)(a) or (c) or (2)(b) or (c);
  - (b) section 49(3)(a) or (c) or (6)(b) or (c);
  - (c) section 50(3)(a) or (c) or (6)(b) or (c);
  - (d) section 51(1).
- (3) A person does not contravene section 53(1) or (2)(a) or (b) by applying in relation to a relevant qualification (within the meaning of that section) a requirement to which sub-paragraph (4) applies if the person shows that—
- (a) the qualification is for the purposes of employment mentioned in sub-paragraph (1)(a), and
  - (b) the application of the requirement engages the compliance or non-conflict principle.
- (4) This sub-paragraph applies to—
- (a) a requirement to be of a particular sex;
  - (b) a requirement not to be a transsexual person;
  - (c) a requirement not to be married or a civil partner;
  - [<sup>F1</sup>(ca) a requirement not to be married to [<sup>F2</sup>, or the civil partner of,] a person of the same sex;]
  - [<sup>F3</sup>(cb) a requirement not to be the civil partner of a person of the opposite sex;]
  - (d) a requirement not to be married to, or the civil partner of, a person who has a living former spouse or civil partner;

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- (e) a requirement relating to circumstances in which a marriage or civil partnership came to an end;
  - (f) a requirement related to sexual orientation.
- (5) The application of a requirement engages the compliance principle if the requirement is applied so as to comply with the doctrines of the religion.
- (6) The application of a requirement engages the non-conflict principle if, because of the nature or context of the employment, the requirement is applied so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.
- (7) A reference to employment includes a reference to an appointment to a personal or public office.
- (8) In the case of a requirement within sub-paragraph (4)(a), sub-paragraph (1) has effect as if in paragraph (c) the words from “(or” to the end were omitted.

#### Textual Amendments

- F1** Sch. 9 para. 2(4)(ca) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 45](#); S.I. 2014/93, art. 3(k)(iv)
- F2** Words in Sch. 9 para. 2(4)(ca) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 11\(a\)](#)
- F3** Sch. 9 para. 2(4)(cb) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 11\(b\)](#)

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