



Equality Act 2010

2010 CHAPTER 15

PART 8

PROHIBITED CONDUCT: ANCILLARY

110 Liability of employees and agents

- (1) A person (A) contravenes this section if—
 - (a) A is an employee or agent,
 - (b) A does something which, by virtue of section 109(1) or (2), is treated as having been done by A's employer or principal (as the case may be), and
 - (c) the doing of that thing by A amounts to a contravention of this Act by the employer or principal (as the case may be).
 - (2) It does not matter whether, in any proceedings, the employer is found not to have contravened this Act by virtue of section 109(4).
 - (3) A does not contravene this section if—
 - (a) A relies on a statement by the employer or principal that doing that thing is not a contravention of this Act, and
 - (b) it is reasonable for A to do so.
 - (4) A person (B) commits an offence if B knowingly or recklessly makes a statement mentioned in subsection (3)(a) which is false or misleading in a material respect.
 - (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- [^{F1}(5A) A does not contravene this section if A—
- (a) does not conduct a relevant marriage,
 - (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
 - (c) does not consent to a relevant marriage being conducted,
- for the reason that the marriage is the marriage of a same sex couple.

Status: Point in time view as at 13/03/2014. This version of this provision has been superseded.

Changes to legislation: Equality Act 2010, Section 110 is up to date with all changes known to be in force on or before 24 April 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)

- (5B) Subsection (5A) applies to A only if A is within the meaning of “person” for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section.]
- (6) Part 9 (enforcement) applies to a contravention of this section by A as if it were the contravention mentioned in subsection (1)(c).
- (7) The reference in subsection (1)(c) to a contravention of this Act does not include a reference to disability discrimination in contravention of Chapter 1 of Part 6 (schools).

Textual Amendments

- F1** S. 110(5A)(5B) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 2\(5\), 21\(3\)](#); S.I. 2014/93, art. 3(a)

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