



# Equality Act 2010

## 2010 CHAPTER 15

### PART 14

#### GENERAL EXCEPTIONS

#### 193 Charities

- (1) A person does not contravene this Act only by restricting the provision of benefits to persons who share a protected characteristic if—
  - (a) the person acts in pursuance of a charitable instrument, and
  - (b) the provision of the benefits is within subsection (2).
- (2) The provision of benefits is within this subsection if it is—
  - (a) a proportionate means of achieving a legitimate aim, or
  - (b) for the purpose of preventing or compensating for a disadvantage linked to the protected characteristic.
- (3) It is not a contravention of this Act for—
  - (a) a person who provides supported employment to treat persons who have the same disability or a disability of a prescribed description more favourably than those who do not have that disability or a disability of such a description in providing such employment;
  - (b) a Minister of the Crown to agree to arrangements for the provision of supported employment which will, or may, have that effect.
- (4) If a charitable instrument enables the provision of benefits to persons of a class defined by reference to colour, it has effect for all purposes as if it enabled the provision of such benefits—
  - (a) to persons of the class which results if the reference to colour is ignored, or
  - (b) if the original class is defined by reference only to colour, to persons generally.
- (5) It is not a contravention of this Act for a charity to require members, or persons wishing to become members, to make a statement which asserts or implies membership or acceptance of a religion or belief; and for this purpose restricting the access by

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*Status: Point in time view as at 06/04/2019.*

*Changes to legislation: Equality Act 2010, Section 193 is up to date with all changes known to be in force on or before 25 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)*

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members to a benefit, facility or service to those who make such a statement is to be treated as imposing such a requirement.

- (6) Subsection (5) applies only if—
- (a) the charity, or an organisation of which it is part, first imposed such a requirement before 18 May 2005, and
  - (b) the charity or organisation has not ceased since that date to impose such a requirement.
- (7) It is not a contravention of section 29 for a person, in relation to an activity which is carried on for the purpose of promoting or supporting a charity, to restrict participation in the activity to persons of one sex.
- (8) A charity regulator does not contravene this Act only by exercising a function in relation to a charity in a manner which the regulator thinks is expedient in the interests of the charity, having regard to the charitable instrument.
- (9) Subsection (1) does not apply to a contravention of—
- (a) section 39;
  - (b) section 40;
  - (c) section 41;
  - (d) section 55, so far as relating to the provision of vocational training.
- (10) Subsection (9) does not apply in relation to disability.

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