



# Equality Act 2010

## 2010 CHAPTER 15

### PART 2

#### EQUALITY: KEY CONCEPTS

### CHAPTER 2

#### PROHIBITED CONDUCT

##### *Discrimination: supplementary*

## 23 Comparison by reference to circumstances

- (1) On a comparison of cases for the purposes of section 13, 14, or 19 there must be no material difference between the circumstances relating to each case.
- (2) The circumstances relating to a case include a person's abilities if—
  - (a) on a comparison for the purposes of section 13, the protected characteristic is disability;
  - (b) on a comparison for the purposes of section 14, one of the protected characteristics in the combination is disability.
- (3) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is a civil partner while another is married [<sup>F1</sup>to a person of the opposite sex] is not a material difference between the circumstances relating to each case.
- [<sup>F2</sup>(4) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is married to a person of the same sex while another is married to a person of the opposite sex is not a material difference between the circumstances relating to each case.]

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*Status: Point in time view as at 01/10/2015. This version of this provision has been superseded.*

*Changes to legislation: Equality Act 2010, Section 23 is up to date with all changes known to be in force on or before 02 June 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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#### **Textual Amendments**

- F1** Words in s. 23(3) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 43(2)**; S.I. 2014/93, art. 3(k)(iv)
- F2** S. 23(4) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 43(3)**; S.I. 2014/93, art. 3(k)(iv)

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