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, **[**[F1]19 or 19A**]** 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 [F2]... is not a material difference between the circumstances relating to each case.

[[F3](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**[**[F4], or the civil partner of,**]** a person of the same sex while another is married to**[**[F4], or the civil partner of,**]** a person of the opposite sex is not a material difference between the circumstances relating to each case.**]**

Changes to legislation: *Equality Act 2010, Section 23 is up to date with all changes known to be in force on or before 07 October 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) View outstanding changes*

Textual Amendments

F1 Words in s. 23(1) substituted (1.1.2024) by The Equality Act 2010 (Amendment) Regulations 2023 (S.I. 2023/1425), regs. 1(2), **3(3)**

F2 Words in s. 23(3) omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(2)(a)**

F3 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)

F4 Words in s. 23(4) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 32(2)(b)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by 2023 c. 51 s. 1
- s. 120(9) inserted by 2023 c. 51 s. 2(b)
- s. 124A inserted by 2023 c. 51 s. 3