

## 1977 No. 528

## SEX DISCRIMINATION

**The Sex Discrimination Act 1975 (Amendment of section 43)  
Order 1977**

*Laid before Parliament in draft*

*Made - - - 18th March 1977*

*Coming into Operation 1st April 1977*

In exercise of the powers conferred on me by section 80 of the Sex Discrimination Act 1975(a), I hereby make the following Order, a draft of which has been laid before Parliament (after such consultation as is mentioned in subsection (2) of the said section) and has been approved by resolution of each House of Parliament:—

1. This Order may be cited as the Sex Discrimination Act 1975 (Amendment of section 43) Order 1977 and shall come into operation on 1st April 1977.

2. For subsections (3) and (4) of section 43 of the Sex Discrimination Act 1975 (exceptions for single-sex charities) there shall be substituted the following subsection:—

“(3) In this section “charitable instrument” means an enactment or other instrument passed or made for charitable purposes, or an enactment or other instrument so far as it relates to charitable purposes, and in Scotland includes the governing instrument of an endowment or of an educational endowment as those expressions are defined in section 135(1) of the Education (Scotland) Act 1962(b).

In the application of this section to England and Wales, “charitable purposes” means purposes which are exclusively charitable according to the law of England and Wales.”.

*Merlyn Rees,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
18th March 1977.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends section 43 of the Sex Discrimination Act 1975. This section provides that nothing in Parts II to IV of the Act shall affect, or render unlawful an act done to give effect to, a "charitable instrument"; this expression is differently defined for England and Wales and for Scotland, having regard to differences in the law relating to charities. The definition for Scotland, however, is somewhat more restrictive than that for England and Wales, in particular, it does not cover a provision for charitable purposes contained in a will.

The amendment redefines "charitable instrument" and widens the expression so far as Scotland is concerned; the new definition is the same as that used in section 34 of the Race Relations Act 1976 (c. 74).

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ISBN 0-11-070528-9



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