

Equality Act 2010

2010 CHAPTER 15

Thomson Reuters (Legal) Limited.

UK Statutes Crown Copyright. Reproduced by permission of the Controller of Her Majesty's Stationery Office.

An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes.

[8th April 2010]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent

Preamble: England, Wales, Scotland

PART 1

SOCIO-ECONOMIC INEQUALITIES

N Not Yet In Force

T Amendment(s) Pending

1 Public sector duty regarding socio-economic inequalities

(1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way

that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

(2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued by a Minister of the Crown.

(3) The authorities to which this section applies are—

- (a) a Minister of the Crown;
- (b) a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters;
- (c) a county council or district council in England;
- (d) the Greater London Authority;
- (e) a London borough council;
- (f) the Common Council of the City of London in its capacity as a local authority;
- (g) the Council of the Isles of Scilly;
- (h) a Strategic Health Authority established under section 13 of the National Health Service Act 2006, or continued in existence by virtue of that section;
- (i) a Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section;
- (j) a regional development agency established by the Regional Development Agencies Act 1998;
- (k) a police authority established for an area in England.

(4) This section also applies to an authority that—

- (a) is a partner authority in relation to a responsible local authority, and
- (b) does not fall within subsection (3),

but only in relation to its participation in the preparation or modification of a sustainable community strategy.

(5) In subsection (4)—

“partner authority” has the meaning given by section 104 of the Local Government and Public Involvement in Health Act 2007;

“responsible local authority” has the meaning given by section 103 of that Act;

“sustainable community strategy” means a strategy prepared under section 4 of the Local Government Act 2000.

(6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration and Asylum Act 1999.

Amendments Pending

Pt 1 s. 1(2): words substituted by Scotland Act 2016 c. 11 Pt 4 s. 38(3) (date to be appointed: substitution came into force on May 23, 2016 but cannot take effect until the commencement of 2010 c.15 s.1; substitution has effect subject to transitional provisions specified in 2016 c.11 s.70)

Pt 1 s. 1(2A): added by Scotland Act 2016 c. 11 Pt 4 s. 38(4) (date to be appointed: insertion came into force on May 23, 2016 but cannot take effect until the commencement of 2010 c.15 s.1; insertion has effect subject to transitional provisions specified in 2016 c.11 s.70)

Pt 1 s. 1(3)(h): repealed by Health and Social Care Act 2012 c. 7 Sch. 5 para. 181(a) (date to be appointed: repeal came into force on April 1, 2013 as SI 2013/160 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 but cannot take effect until the commencement of 2010 c.15 s.1)

Pt 1 s. 1(3)(i): repealed by Health and Social Care Act 2012 c. 7 Sch. 5 para. 181(b) (date to be appointed: repeal came into force on April 1, 2013 as SI 2013/160 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 but cannot take effect until the commencement of 2010 c.15 s.1)

Pt 1 s. 1(3)(j): repealed by Public Bodies Act 2011 c. 24 Sch. 6 para. 1 (date to be appointed: repeal came into force on July 1, 2012 at 00.02 as SI 2012/1662 but cannot take effect until the commencement of 2010 c.15 s.1)

Pt 1 s. 1(3)(k): words substituted by Police Reform and Social Responsibility Act 2011 c. 13 Sch. 16(3) para. 381 (date to be appointed: substitution came into force on November 22, 2012 as SI 2012/2892 but cannot take effect until the commencement of 2010 c.15 s.1)

Pt 1 s. 1(4): repealed by Deregulation Act 2015 c. 20 s. 100(2)(g) (date to be appointed: repeal came into force on May 26, 2015 but cannot take effect until the commencement of 2010 c.15 s.1(4)-(5))

Pt 1 s. 1(5): repealed by Deregulation Act 2015 c. 20 s. 100(2)(g) (date to be appointed: repeal came into force on May 26, 2015 but cannot take effect until the commencement of 2010 c.15 s.1(4)-(5))

Commencement

Pt 1 s. 1(1)-(6): Date to be appointed (not yet in force) (2010 c. 15 Pt 16 s. 216(3))

Extent

Pt 1 s. 1(1)-(6): England, Wales, Scotland

N Not Yet In Force

I Amendment(s) Pending

2 Power to amend section 1

- (1) A Minister of the Crown may by regulations amend section 1 so as to—
 - (a) add a public authority to the authorities that are subject to the duty under subsection (1) of that section;
 - (b) remove an authority from those that are subject to the duty;
 - (c) make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;
 - (d) in the case of an authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.
- (2) In subsection (1) “public authority” means an authority that has functions of a public nature.
- (3) Provision made under subsection (1) may not impose a duty on an authority in relation to any devolved Scottish functions or devolved Welsh functions.
- (4) The Scottish Ministers or the Welsh Ministers may by regulations amend section 1 so as to—
 - (a) add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;
 - (b) remove a relevant authority from those that are subject to the duty;
 - (c) make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;
 - (d) in the case of a relevant authority to which the application of the duty is already restricted to certain functions, remove or alter the restriction.
- (5) For the purposes of the power conferred by subsection (4) on the Scottish Ministers, “relevant authority” means an authority whose functions—

- (a) are exercisable only in or as regards Scotland,
 - (b) are wholly or mainly devolved Scottish functions, and
 - (c) correspond or are similar to those of an authority for the time being specified in section 1(3).
- (6) For the purposes of the power conferred by subsection (4) on the Welsh Ministers, “relevant authority” means an authority whose functions—
- (a) are exercisable only in or as regards Wales,
 - (b) are wholly or mainly devolved Welsh functions, and
 - (c) correspond or are similar to those of an authority for the time being specified in subsection (3) of section 1 or referred to in subsection (4) of that section.
- (7) Before making regulations under this section, the Scottish Ministers or the Welsh Ministers must consult a Minister of the Crown.
- (8) Regulations under this section may make any amendments of section 1 that appear to the Minister or Ministers to be necessary or expedient in consequence of provision made under subsection (1) or (as the case may be) subsection (4).
- (9) Provision made by the Scottish Ministers or the Welsh Ministers in reliance on subsection (8) may, in particular, amend section 1 so as to—
- (a) confer on the Ministers a power to issue guidance;
 - (b) require a relevant authority to take into account any guidance issued under a power conferred by virtue of paragraph (a);
 - (c) disapply section 1(2) in consequence of the imposition of a requirement by virtue of paragraph (b).
- (10) Before issuing guidance under a power conferred by virtue of subsection (9)(a), the Ministers must—
- (a) take into account any guidance issued by a Minister of the Crown under section 1;
 - (b) consult a Minister of the Crown.
- (11) For the purposes of this section—
- (a) a function is a devolved Scottish function if it is exercisable in or as regards Scotland and it does not relate to reserved matters (within the meaning of the Scotland Act 1998);
 - (b) a function is a devolved Welsh function if it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or to a matter within the legislative competence of the National Assembly for Wales.

Amendments Pending

Pt 1 s. 2(7): words repealed by Scotland Act 2016 c. 11 Pt 4 s. 38(6) (date to be appointed: repeal came into force on May 23, 2016 but cannot take effect until the commencement of 2010 c.15 s.2; repeal has effect subject to transitional provisions specified in 2016 c.11 s.70)

Pt 1 s. 2(9): words repealed by Scotland Act 2016 c. 11 Pt 4 s. 38(6) (date to be appointed: repeal came into force on May 23, 2016 but cannot take effect until the commencement of 2010 c.15 s.2; repeal has effect subject to transitional provisions specified in 2016 c.11 s.70)

Pt 1 s. 2(10): words substituted by Scotland Act 2016 c. 11 Pt 4 s. 38(7) (date to be appointed: substitution came into force on May 23, 2016 but cannot take effect until the commencement of 2010 c.15 s.2; substitution has effect subject to transitional provisions specified in 2016 c.11 s.70)

Pt 1 s. 2(11): word substituted by Scotland Act 2016 c. 11 Pt 4 s. 38(8) (date to be appointed: substitution came into force on May 23, 2016 but cannot take effect until the commencement of 2010 c.15 s.2; substitution has effect subject to transitional provisions specified in 2016 c.11 s.70)

Pt 1 s. 2(11)(b): words substituted by Wales Act 2014 c. 29 Pt 1 s. 4(4)(a) (date to be appointed: substitution came into force on February 17, 2015 but cannot take effect until the commencement of 2010 c.15 s.2(11)(b))

Commencement

Pt 1 s. 2(1)-(11)(b): Date to be appointed (not yet in force) (2010 c. 15 Pt 16 s. 216(3))

Extent

Pt 1 s. 2(1)-(11)(b): England, Wales, Scotland

Not Yet In Force

3 Enforcement

A failure in respect of a performance of a duty under section 1 does not confer a cause of action at private law.

Commencement

Pt 1 s. 3: Date to be appointed (not yet in force) (2010 c. 15 Pt 16 s. 216(3))

Extent

Pt 1 s. 3: England, Wales, Scotland

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

Law In Force

4 The protected characteristics

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;

race;
religion or belief;
sex;
sexual orientation.

Commencement

Pt 2 c. 1 s. 4: October 1, 2010 (SI 2010/2317 art. 2(2)(a))

Extent

Pt 2 c. 1 s. 4: England, Wales, Scotland

Law In Force

5 Age

(1) In relation to the protected characteristic of age—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

Commencement

Pt 2 c. 1 s. 5(1)-(2): October 1, 2010 (SI 2010/2317 art. 2(2)(a))

Extent

Pt 2 c. 1 s. 5(1)-(2): England, Wales, Scotland

Law In Force

6 Disability

(1) A person (P) has a disability if—

- (a) P has a physical or mental impairment, and
- (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability.

(3) In relation to the protected characteristic of disability—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
- (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—

- (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
- (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

Commencement

Pt 2 c. 1 s. 6(1)-(4)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(b))

Pt 2 c. 1 s. 6(5): July 6, 2010 for the purpose of enabling subordinate legislation or guidance to be made; October 1, 2010 otherwise (SI 2010/1736 art. 2, Sch. 1 para. 1; SI 2010/2317 art. 2(2)(b))

Pt 2 c. 1 s. 6(6): August 4, 2010 for provisions specified in SI 2010/1736 Sch.1 and for the purpose of making subordinate legislation or guidance under the provisions so listed; October 1, 2010 otherwise (SI 2010/1736 Sch. 1 para. 1; SI 2010/1966 art. 2(2)(i); SI 2010/2317 art. 2(2)(b))

Extent

Pt 2 c. 1 s. 6(1)-(6): England, Wales, Scotland

Law In Force

7 Gender reassignment

(1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment—

- (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;
- (b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

Commencement

Pt 2 c. 1 s. 7(1)-(3)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 1 s. 7(1)-(3)(b): England, Wales, Scotland

Law In Force

8 Marriage and civil partnership

- (1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.
- (2) In relation to the protected characteristic of marriage and civil partnership—
- (a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

Commencement

Pt 2 c. 1 s. 8(1)-(2)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 1 s. 8(1)-(2)(b): England, Wales, Scotland

Law In Force

9 Race

- (1) Race includes—
- (a) colour;
 - (b) nationality;
 - (c) ethnic or national origins.
- (2) In relation to the protected characteristic of race—
- (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
 - (b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.
- (3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.
- (4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.
- (5) A Minister of the Crown [...] ¹ —
- (a) [must by order] ² amend this section so as to provide for caste to be an aspect of race;
 - (b) [may by order] ³ amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.
- (6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

Notes

¹ Words repealed by Enterprise and Regulatory Reform Act 2013 c. 24 Pt 6 s.97(2) (June 25, 2013)

² Words inserted by Enterprise and Regulatory Reform Act 2013 c. 24 Pt 6 s.97(3) (June 25, 2013)

³ Words inserted by Enterprise and Regulatory Reform Act 2013 c. 24 Pt 6 s.97(4) (June 25, 2013)

Commencement

Pt 2 c. 1 s. 9(1)-(6): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 1 s. 9(1)-(6): England, Wales, Scotland

Law In Force

10 Religion or belief

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

(3) In relation to the protected characteristic of religion or belief—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;

(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

Commencement

Pt 2 c. 1 s. 10(1)-(3)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 1 s. 10(1)-(3)(b): England, Wales, Scotland

Law In Force

11 Sex

In relation to the protected characteristic of sex—

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

Commencement

Pt 2 c. 1 s. 11(a)-(b): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 1 s. 11(a)-(b): England, Wales, Scotland

Law In Force

12 Sexual orientation

- (1) Sexual orientation means a person's sexual orientation towards—
- persons of the same sex,
 - persons of the opposite sex, or
 - persons of either sex.
- (2) In relation to the protected characteristic of sexual orientation—
- a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
 - a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

Commencement

Pt 2 c. 1 s. 12(1)-(2)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 1 s. 12(1)-(2)(b): England, Wales, Scotland

CHAPTER 2

PROHIBITED CONDUCT

Discrimination

Law In Force

13 Direct discrimination

- (1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
- (2) If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.
- (3) If the protected characteristic is disability, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.
- (4) If the protected characteristic is marriage and civil partnership, this section applies to a contravention of Part 5 (work) only if the treatment is because it is B who is married or a civil partner.
- (5) If the protected characteristic is race, less favourable treatment includes segregating B from others.
- (6) If the protected characteristic is sex—

- (a) less favourable treatment of a woman includes less favourable treatment of her because she is breast-feeding;
- (b) in a case where B is a man, no account is to be taken of special treatment afforded to a woman in connection with pregnancy or childbirth.

(7) Subsection (6)(a) does not apply for the purposes of Part 5 (work).

(8) This section is subject to sections 17(6) and 18(7).

Commencement

Pt 2 c. 2 s. 13(1)-(8): October 1, 2010 (SI 2010/2317 art. 2(2)(c))

Extent

Pt 2 c. 2 s. 13(1)-(8): England, Wales, Scotland

N Not Yet In Force

14 Combined discrimination: dual characteristics

(1) A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

(2) The relevant protected characteristics are—

- (a) age;
- (b) disability;
- (c) gender reassignment;
- (d) race
- (e) religion or belief;
- (f) sex;
- (g) sexual orientation.

(3) For the purposes of establishing a contravention of this Act by virtue of subsection (1), B need not show that A's treatment of B is direct discrimination because of each of the characteristics in the combination (taken separately).

(4) But B cannot establish a contravention of this Act by virtue of subsection (1) if, in reliance on another provision of this Act or any other enactment, A shows that A's treatment of B is not direct discrimination because of either or both of the characteristics in the combination.

(5) Subsection (1) does not apply to a combination of characteristics that includes disability in circumstances where, if a claim of direct discrimination because of disability were to be brought, it would come within section 116 (special educational needs).

(6) A Minister of the Crown may by order amend this section so as to—

- (a) make further provision about circumstances in which B can, or in which B cannot, establish a contravention of this Act by virtue of subsection (1);
- (b) specify other circumstances in which subsection (1) does not apply.

(7) The references to direct discrimination are to a contravention of this Act by virtue of section 13.

Commencement

Pt 2 c. 2 s. 14(1)-(7): Date to be appointed (not yet in force) (2010 c. 15 Pt 16 s. 216(3))

Extent

Pt 2 c. 2 s. 14(1)-(7): England, Wales, Scotland

Law In Force

15 Discrimination arising from disability

(1) A person (A) discriminates against a disabled person (B) if—

- (a) A treats B unfavourably because of something arising in consequence of B's disability, and
- (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

(2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

Commencement

Pt 2 c. 2 s. 15(1)-(2): October 1, 2010 (SI 2010/2317 art. 2(2)(d))

Extent

Pt 2 c. 2 s. 15(1)-(2): England, Wales, Scotland

Law In Force

16 Gender reassignment discrimination: cases of absence from work

(1) This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of gender reassignment.

(2) A person (A) discriminates against a transsexual person (B) if, in relation to an absence of B's that is because of gender reassignment, A treats B less favourably than A would treat B if—

- (a) B's absence was because of sickness or injury, or
- (b) B's absence was for some other reason and it is not reasonable for B to be treated less favourably.

(3) A person's absence is because of gender reassignment if it is because the person is proposing to undergo, is undergoing or has undergone the process (or part of the process) mentioned in section 7(1).

Commencement

Pt 2 c. 2 s. 16(1)-(3): October 1, 2010 (SI 2010/2317 art. 2(2)(d))

Extent

Pt 2 c. 2 s. 16(1)-(3): England, Wales, Scotland

Law In Force

17 Pregnancy and maternity discrimination: non-work cases

(1) This section has effect for the purposes of the application to the protected characteristic of pregnancy and maternity of—

- (a) Part 3 (services and public functions);
- (b) Part 4 (premises);
- (c) Part 6 (education);
- (d) Part 7 (associations).

(2) A person (A) discriminates against a woman if A treats her unfavourably because of a pregnancy of hers.

(3) A person (A) discriminates against a woman if, in the period of 26 weeks beginning with the day on which she gives birth, A treats her unfavourably because she has given birth.

(4) The reference in subsection (3) to treating a woman unfavourably because she has given birth includes, in particular, a reference to treating her unfavourably because she is breast-feeding.

(5) For the purposes of this section, the day on which a woman gives birth is the day on which—

- (a) she gives birth to a living child, or
- (b) she gives birth to a dead child (more than 24 weeks of the pregnancy having passed).

(6) Section 13, so far as relating to sex discrimination, does not apply to anything done in relation to a woman in so far as—

- (a) it is for the reason mentioned in subsection (2), or
- (b) it is in the period, and for the reason, mentioned in subsection (3).

Commencement

Pt 2 c. 2 s. 17(1)-(6)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(d))

Extent

Pt 2 c. 2 s. 17(1)-(6)(b): England, Wales, Scotland

Law In Force

18 Pregnancy and maternity discrimination: work cases

(1) This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of pregnancy and maternity.

- (2) A person (A) discriminates against a woman if, in the protected period in relation to a pregnancy of hers, A treats her unfavourably—
- (a) because of the pregnancy, or
 - (b) because of illness suffered by her as a result of it.
- (3) A person (A) discriminates against a woman if A treats her unfavourably because she is on compulsory maternity leave.
- (4) A person (A) discriminates against a woman if A treats her unfavourably because she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave.
- (5) For the purposes of subsection (2), if the treatment of a woman is in implementation of a decision taken in the protected period, the treatment is to be regarded as occurring in that period (even if the implementation is not until after the end of that period).
- (6) The protected period, in relation to a woman's pregnancy, begins when the pregnancy begins, and ends—
- (a) if she has the right to ordinary and additional maternity leave, at the end of the additional maternity leave period or (if earlier) when she returns to work after the pregnancy;
 - (b) if she does not have that right, at the end of the period of 2 weeks beginning with the end of the pregnancy.
- (7) Section 13, so far as relating to sex discrimination, does not apply to treatment of a woman in so far as—
- (a) it is in the protected period in relation to her and is for a reason mentioned in paragraph (a) or (b) of subsection (2), or
 - (b) it is for a reason mentioned in subsection (3) or (4).

Commencement

Pt 2 c. 2 s. 18(1)-(7)(b): October 1, 2010 (SI 2010/2317 art. 2(2)(d))

Extent

Pt 2 c. 2 s. 18(1)-(7)(b): England, Wales, Scotland

Law In Force

19 Indirect discrimination

- (1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.
- (2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—
- (a) A applies, or would apply, it to persons with whom B does not share the characteristic,
 - (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
 - (c) it puts, or would put, B at that disadvantage, and
 - (d) A cannot show it to be a proportionate means of achieving a legitimate aim.

(3) The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- race;
- religion or belief;
- sex;
- sexual orientation.

Commencement

Pt 2 c. 2 s. 19(1)-(3): October 1, 2010 (SI 2010/2317 art. 2(2)(d))

Extent

Pt 2 c. 2 s. 19(1)-(3): England, Wales, Scotland

Adjustments for disabled persons

Law In Force

20 Duty to make adjustments

(1) Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A.

(2) The duty comprises the following three requirements.

(3) The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(4) The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(5) The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

(6) Where the first or third requirement relates to the provision of information, the steps which it is reasonable for A to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format.

- (b) persons on whom it has conferred a relevant qualification, or
 - (c) persons seeking conferment by it of a relevant qualification.
- (7) A rule within this subsection is a rule made by an employer for application to—
- (a) employees,
 - (b) persons who apply for employment, or
 - (c) persons the employer considers for employment.
- (8) “Trade organisation”, “qualifications body” and “relevant qualification” each have the meaning given in Part 5 (work).

Commencement

Pt 10 s. 148(1)-(8): October 1, 2010 (SI 2010/2317 art. 2(10)(c))

Extent

Pt 10 s. 148(1)-(8): England, Wales, Scotland

PART 11**ADVANCEMENT OF EQUALITY****CHAPTER 1****PUBLIC SECTOR EQUALITY DUTY**

Law In Force

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to—
- (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

Commencement

Pt 11 c. 1 s. 149(1)-(9): April 5, 2011 (SI 2011/1066 art. 2(a))

Extent

Pt 11 c. 1 s. 149(1)-(9): England, Wales, Scotland

Law In Force

150 Public authorities and public functions

- (1) A public authority is a person who is specified in Schedule 19.
- (2) In that Schedule—
- Part 1 specifies public authorities generally;

Part 2 specifies relevant Welsh authorities;
Part 3 specifies relevant Scottish authorities.

(3) A public authority specified in Schedule 19 is subject to the duty imposed by section 149(1) in relation to the exercise of all of its functions unless subsection (4) applies.

(4) A public authority specified in that Schedule in respect of certain specified functions is subject to that duty only in respect of the exercise of those functions.


(5) A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

Commencement

Pt 11 c. 1 s. 150(1)-(5): January 18, 2011 for the purpose specified in SI 2011/96 art.2(a); April 5, 2011 otherwise (SI 2011/96 art. 2(a); SI 2011/1066 art. 2(b))

Extent

Pt 11 c. 1 s. 150(1)-(5): England, Wales, Scotland

 Law In Force

151 Power to specify public authorities

(1) A Minister of the Crown may by order amend Part 1, 2 or 3 of Schedule 19.

(2) The Welsh Ministers may by order amend Part 2 of Schedule 19.

(3) The Scottish Ministers may by order amend Part 3 of Schedule 19.

(4) The power under subsection (1), (2) or (3) may not be exercised so as to—

(a) add an entry to Part 1 relating to a relevant Welsh or Scottish authority or a cross-border Welsh or Scottish authority;

(b) add an entry to Part 2 relating to a person who is not a relevant Welsh authority;

(c) add an entry to Part 3 relating to a person who is not a relevant Scottish authority.

(5) A Minister of the Crown may by order amend Schedule 19 so as to make provision relating to a cross-border Welsh or Scottish authority.

(6) On the first exercise of the power under subsection (5) to add an entry relating to a cross-border Welsh or Scottish authority to Schedule 19, a Minister of the Crown must—

(a) add a Part 4 to the Schedule for cross-border authorities, and

(b) add the cross-border Welsh or Scottish authority to that Part.

(7) Any subsequent exercise of the power under subsection (5) to add an entry relating to a cross-border Welsh or Scottish authority to Schedule 19 must add that entry to Part 4 of the Schedule.

(8) An order may not be made under this section so as to extend the application of section 149 unless the person making it considers that the extension relates to a person by whom a public function is exercisable.

(9) An order may not be made under this section so as to extend the application of section 149 to—

(a) the exercise of a function referred to in paragraph 3 of Schedule 18 (judicial functions, etc);

- (b) a person listed in paragraph 4(2)(a) to (e) of that Schedule (Parliament, devolved legislatures and General Synod);
- (c) the exercise of a function listed in paragraph 4(3) of that Schedule (proceedings in Parliament or devolved legislatures).

Commencement

Pt 11 c. 1 s. 151(1)-(9)(c): January 18, 2011 (SI 2011/96 art. 2(b))

Extent

Pt 11 c. 1 s. 151(1)-(9)(c): England, Wales, Scotland

Law In Force

152 Power to specify public authorities: consultation and consent

(1) Before making an order under a provision specified in the first column of the Table, a Minister of the Crown must consult the person or persons specified in the second column.

<i>Provision</i>	<i>Consultees</i>
Section 151(1)	The Commission
Section 151(1), so far as relating to a relevant Welsh authority	The Welsh Ministers
Section 151(1), so far as relating to a relevant Scottish authority	The Scottish Ministers
Section 151(5)	The Commission
Section 151(5), so far as relating to a cross-border Welsh authority	The Welsh Ministers
Section 151(5), so far as relating to a cross-border Scottish authority	The Scottish Ministers

- (2) Before making an order under section 151(2), the Welsh Ministers must—
- (a) obtain the consent of a Minister of the Crown, and
 - (b) consult the Commission.

[(3) Before making an order under section 151(3), the Scottish Ministers must consult the Commission, and after making such an order they must in form a Minister of the Crown.]¹

Notes

¹ Words substituted by Scotland Act 2016 c. 11 Pt 4 s.37(7) (May 23, 2016: substitution has effect subject to transitional provisions specified in 2016 c.11 s.70)

Commencement

Pt 11 c. 1 s. 152(1)-(3)(b): January 18, 2011 (SI 2011/96 art. 2(b))

Extent

Pt 11 c. 1 s. 152(1)-(3)(b): England, Wales, Scotland

Law In Force

153 Power to impose specific duties

- (1) A Minister of the Crown may by regulations impose duties on a public authority specified in Part 1 of Schedule 19 for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1).
- (2) The Welsh Ministers may by regulations impose duties on a public authority specified in Part 2 of Schedule 19 for that purpose.
- (3) The Scottish Ministers may by regulations impose duties on a public authority specified in Part 3 of Schedule 19 for that purpose.
- (4) Before making regulations under this section, the person making them must consult the Commission.

Commencement

Pt 11 c. 1 s. 153(1)-(4): January 18, 2011 (SI 2011/96 art. 2(b))

Extent

Pt 11 c. 1 s. 153(1)-(4): England, Wales, Scotland

Law In Force

154 Power to impose specific duties: cross-border authorities

- (1) If a Minister of the Crown exercises the power in section 151(5) to add an entry for a public authority to Part 4 of Schedule 19, the Minister must include after the entry a letter specified in the first column of the Table in subsection (3).
- (2) Where a letter specified in the first column of the Table in subsection (3) is included after an entry for a public authority in Part 4 of Schedule 19, the person specified in the second column of the Table—
 - (a) may by regulations impose duties on the authority for the purpose of enabling the better performance by the authority of the duty imposed by section 149(1), subject to such limitations as are specified in that column;
 - (b) must in making the regulations comply with the procedural requirement specified in that column.
- (3) This is the Table—

<i>Letter</i>	<i>Person by whom regulations may be made and procedural requirements</i>
A	Regulations may be made by a Minister of the Crown in relation to the authority's functions that are not devolved Welsh functions. The Minister of the Crown must consult the Welsh Ministers before making the regulations. Regulations may be made by the Welsh Ministers in relation to the authority's devolved Welsh functions. The Welsh Ministers must consult a Minister of the Crown before making the regulations.

<i>Letter</i>	<i>Person by whom regulations may be made and procedural requirements</i>
B	<p>Regulations may be made by a Minister of the Crown in relation to the authority's functions that are not devolved Scottish functions.</p> <p>The Minister of the Crown must consult the Scottish Ministers before making the regulations.</p> <p>Regulations may be made by the Scottish Ministers in relation to the authority's devolved Scottish functions.</p> <p>[The Scottish Ministers must inform a Minister of the Crown after]¹ making the regulations.</p>
C	<p>Regulations may be made by a Minister of the Crown in relation to the authority's functions that are neither devolved Welsh functions nor devolved Scottish functions.</p> <p>The Minister of the Crown must consult the Welsh Ministers and the Scottish Ministers before making the regulations.</p> <p>Regulations may be made by the Welsh Ministers in relation to the authority's devolved Welsh functions.</p> <p>The Welsh Ministers must consult a Minister of the Crown before making the regulations.</p> <p>Regulations may be made by the Scottish Ministers in relation to the authority's devolved Scottish functions.</p> <p>The Scottish Ministers must consult a Minister of the Crown before making the regulations.</p>
D	<p>The regulations may be made by a Minister of the Crown.</p> <p>The Minister of the Crown must consult the Welsh Ministers before making the regulations.</p>

(4) Before making regulations under subsection (2), the person making them must consult the Commission.

Notes

¹ Words substituted by Scotland Act 2016 c. 11 Pt 4 s.37(8) (May 23, 2016: substitution has effect subject to transitional provisions specified in 2016 c.11 s.70)

Commencement

Pt 11 c. 1 s. 154(1)-(4): January 18, 2011 (SI 2011/96 art. 2(b))

Extent

Pt 11 c. 1 s. 154(1)-(4): England, Wales, Scotland

Law In Force

155 Power to impose specific duties: supplementary

(1) Regulations under section 153 or 154 may require a public authority to consider such matters as may be specified from time to time by—

- (a) a Minister of the Crown, where the regulations are made by a Minister of the Crown;
- (b) the Welsh Ministers, where the regulations are made by the Welsh Ministers;
- (c) the Scottish Ministers, where the regulations are made by the Scottish Ministers.

(2) Regulations under section 153 or 154 may impose duties on a public authority that is a contracting authority within the meaning of the Public Sector Directive in connection with its public procurement functions.

(3) In subsection (2)—

“public procurement functions” means functions the exercise of which is regulated by the Public Sector Directive;

[“the Public Sector Directive” means Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, as amended from time to time.]¹

(4) Subsections (1) and (2) do not affect the generality of section 153 or 154(2)(a).

(5) A duty imposed on a public authority under section 153 or 154 may be modified or removed by regulations made by—

- (a) a Minister of the Crown, where the original duty was imposed by regulations made by a Minister of the Crown;
- (b) the Welsh Ministers, where the original duty was imposed by regulations made by the Welsh Ministers;
- (c) the Scottish Ministers, where the original duty was imposed by regulations made by the Scottish Ministers.

Notes

- ¹ Definition substituted by Public Procurement (Amendments, Repeals and Revocations) Regulations 2016/275 Sch.1 para.7 (April 18, 2016: substitution has effect subject to transitional provisions specified in SI 2016/275 reg.5)

Commencement

Pt 11 c. 1 s. 155(1)-(5)(c): January 18, 2011 (SI 2011/96 art. 2(b))

Extent

Pt 11 c. 1 s. 155(1)-(5)(c): England, Wales, Scotland

Law In Force

156 Enforcement

A failure in respect of a performance of a duty imposed by or under this Chapter does not confer a cause of action at private law.

Commencement

Pt 11 c. 1 s. 156: April 5, 2011 (SI 2011/1066 art. 2(c))

Extent

Pt 11 c. 1 s. 156: England, Wales, Scotland

Law In Force

157 Interpretation

(1) This section applies for the purposes of this Chapter.

- (2) A relevant Welsh authority is a person (other than the Assembly Commission) whose functions—
- (a) are exercisable only in or as regards Wales, and
 - (b) are wholly or mainly devolved Welsh functions.
- (3) A cross-border Welsh authority is a person other than a relevant Welsh authority (or the Assembly Commission) who has any function that—
- (a) is exercisable in or as regards Wales, and
 - (b) is a devolved Welsh function.
- (4) The Assembly Commission has the same meaning as in the Government of Wales Act 2006.
- (5) A function is a devolved Welsh function if it relates to—
- (a) a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the [Welsh Government]¹, or
 - (b) a matter within the legislative competence of the National Assembly for Wales.
- (6) A relevant Scottish authority is a public body, public office or holder of a public office—
- (a) which is not a cross-border Scottish authority or the Scottish Parliamentary Corporate Body,
 - (b) whose functions are exercisable only in or as regards Scotland, and
 - (c) at least some of whose functions do not relate to reserved matters.
- (7) A cross-border Scottish authority is a cross-border public authority within the meaning given by section 88(5) of the Scotland Act 1998.
- (8) A function is a devolved Scottish function if it—
- (a) is exercisable in or as regards Scotland, and
 - (b) does not relate to reserved matters.
- (9) Reserved matters has the same meaning as in the Scotland Act 1998.

Notes

¹ Words substituted by Wales Act 2014 c. 29 Pt 1 s.4(4)(a) (February 17, 2015)

Commencement

Pt 11 c. 1 s. 157(1)-(9): January 18, 2011 (SI 2011/96 art. 2(c))

Extent

Pt 11 c. 1 s. 157(1)-(9): England, Wales, Scotland

CHAPTER 2**POSITIVE ACTION**

Law In Force

158 Positive action: general

- (1) This section applies if a person (P) reasonably thinks that—

Commencement

Sch. 3(3) para. 15: October 1, 2010 except for the purpose specified in SI 2010/2317 art.2(3)(a); October 1, 2012 otherwise (SI 2010/2317 art. 2(3); SI 2012/1569 art. 3(d))

Extent

Sch. 3(3) para. 15: England, Wales, Scotland

PART 4**IMMIGRATION**

Law In Force

[15A.— Age

- (1) This paragraph applies in relation to age discrimination.
- (2) Section 29 does not apply to anything done by a relevant person in the exercise of functions exercisable by virtue of a relevant enactment.
- (3) A relevant person is —
- (a) a Minister of the Crown acting personally, or
 - (b) a person acting in accordance with a relevant authorisation.
- (4) A relevant authorisation is a requirement imposed or express authorisation given—
- (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
 - (b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.
- (5) The relevant enactments are—
- (a) the Immigration Acts,
 - (b) the Special Immigration Appeals Commission Act 1997,
 - (c) a provision made under section 2(2) of the European Communities Act 1972² which relates to immigration or asylum, and
 - (d) a provision of EU law which relates to immigration or asylum.
- (6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—
- (a) sections 28A to 28K of the Immigration Act 1971³ (powers of arrest, entry and search, etc.), or
 - (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004⁴ (power of arrest).

] ¹

Notes

¹ Added by Equality Act 2010 (Age Exceptions) Order 2012/2466 art.2 (October 1, 2012)

- ² Section 2(2) was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
- ³ Sections 28A to 28K were inserted by section 128 of the Immigration and Asylum Act 1999 (c.33).
- ⁴ Section 14 has been the subject of amendments which are not relevant to this Order.

Extent

Sch. 3(4) para. 15A(1)-(6)(b): England, Wales, Scotland

Law In Force

16 Disability

- (1) This paragraph applies in relation to disability discrimination.
- (2) Section 29 does not apply to—
- (a) a decision within sub-paragraph (3);
 - (b) anything done for the purposes of or in pursuance of a decision within that sub-paragraph.
- (3) A decision is within this sub-paragraph if it is a decision (whether or not taken in accordance with immigration rules) to do any of the following on the ground that doing so is necessary for the public good—
- (a) to refuse entry clearance;
 - (b) to refuse leave to enter or remain in the United Kingdom;
 - (c) to cancel leave to enter or remain in the United Kingdom;
 - (d) to vary leave to enter or remain in the United Kingdom;
 - (e) to refuse an application to vary leave to enter or remain in the United Kingdom.
- (4) Section 29 does not apply to—
- (a) a decision taken, or guidance given, by the Secretary of State in connection with a decision within sub-paragraph (3);
 - (b) a decision taken in accordance with guidance given by the Secretary of State in connection with a decision within that sub-paragraph.

Commencement

Sch. 3(4) para. 16(1)-(4)(b): October 1, 2010 except for the purpose specified in SI 2010/2317 art.2(3)(a); October 1, 2012 otherwise (SI 2010/2317 art. 2(3); SI 2012/1569 art. 3(d))

Extent

Sch. 3(4) para. 16(1)-(4)(b): England, Wales, Scotland

Law In Force

17 Nationality and ethnic or national origins

- (1) This paragraph applies in relation to race discrimination so far as relating to—
- (a) nationality, or
 - (b) ethnic or national origins.

- (2) Section 29 does not apply to anything done by a relevant person in the exercise of functions exercisable by virtue of a relevant enactment.
- (3) A relevant person is—
- (a) a Minister of the Crown acting personally, or
 - (b) a person acting in accordance with a relevant authorisation.
- (4) A relevant authorisation is a requirement imposed or express authorisation given—
- (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
 - (b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.
- (5) The relevant enactments are—
- (a) the Immigration Acts,
 - (b) the Special Immigration Appeals Commission Act 1997,
 - (c) a provision made under section 2(2) of the European Communities Act 1972 which relates to immigration or asylum, and
 - (d) a provision of [EU law]¹ which relates to immigration or asylum.
- (6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—
- (a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc.), or
 - (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (power of arrest).

Notes

- ¹ Words substituted by Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010/2279 art.8 (October 1, 2010)

Commencement

Sch. 3(4) para. 17(1)-(6)(b): October 1, 2010 except for the purpose specified in SI 2010/2317 art.2(3)(a); October 1, 2012 otherwise (SI 2010/2317 art. 2(3); SI 2012/1569 art. 3(d))

Extent

Sch. 3(4) para. 17(1)-(6)(b): England, Wales, Scotland

Law In Force

18 Religion or belief

- (1) This paragraph applies in relation to religious or belief-related discrimination.
- (2) Section 29 does not apply to a decision within sub-paragraph (3) or anything done for the purposes of or in pursuance of a decision within that sub-paragraph.
- (3) A decision is within this sub-paragraph if it is a decision taken in accordance with immigration rules—

- (a) to refuse entry clearance or leave to enter the United Kingdom, or to cancel leave to enter or remain in the United Kingdom, on the grounds that the exclusion of the person from the United Kingdom is conducive to the public good, or
 - (b) to vary leave to enter or remain in the United Kingdom, or to refuse an application to vary leave to enter or remain in the United Kingdom, on the grounds that it is undesirable to permit the person to remain in the United Kingdom.
- (4) Section 29 does not apply to a decision within sub-paragraph (5), or anything done for the purposes of or in pursuance of a decision within that sub-paragraph, if the decision is taken on grounds mentioned in sub-paragraph (6).
- (5) A decision is within this sub-paragraph if it is a decision (whether or not taken in accordance with immigration rules) in connection with an application for entry clearance or for leave to enter or remain in the United Kingdom.
- (6) The grounds referred to in sub-paragraph (4) are—
- (a) the grounds that a person holds an office or post in connection with a religion or belief or provides a service in connection with a religion or belief,
 - (b) the grounds that a religion or belief is not to be treated in the same way as certain other religions or beliefs, or
 - (c) the grounds that the exclusion from the United Kingdom of a person to whom paragraph (a) applies is conducive to the public good.
- (7) Section 29 does not apply to—
- (a) a decision taken, or guidance given, by the Secretary of State in connection with a decision within sub-paragraph (3) or (5);
 - (b) a decision taken in accordance with guidance given by the Secretary of State in connection with a decision within either of those sub-paragraphs.

Commencement

Sch. 3(4) para. 18(1)-(7)(b): October 1, 2010 except for the purpose specified in SI 2010/2317 art.2(3)(a); October 1, 2012 otherwise (SI 2010/2317 art. 2(3); SI 2012/1569 art. 3(d))

Extent

Sch. 3(4) para. 18(1)-(7)(b): England, Wales, Scotland

Law In Force

19 Interpretation

A reference to entry clearance, leave to enter or remain or immigration rules is to be construed in accordance with the Immigration Act 1971.

Commencement

Sch. 3(4) para. 19: October 1, 2010 except for the purpose specified in SI 2010/2317 art.2(3)(a); October 1, 2012 otherwise (SI 2010/2317 art. 2(3); SI 2012/1569 art. 3(d))

Extent

Sch. 3(4) para. 19: England, Wales, Scotland

PART 5**[Insurance and other financial services]¹**

Notes

¹ Heading substituted by Equality Act 2010 (Age Exceptions) Order 2012/2466 art.3 (October 1, 2012)

Law In Force

20 Services arranged by employer

(1) Section 29 does not apply to the provision of a relevant financial service if the provision is in pursuance of arrangements made by an employer for the service-provider to provide the service to the employer's employees, and other persons, as a consequence of the employment.

(2) "Relevant financial service" means—

- (a) insurance or a related financial service, or
- (b) a service relating to membership of or benefits under a personal pension scheme (within the meaning given by section 1 of the Pension Schemes Act 1993).

Commencement

Sch. 3(5) para. 20(1)-(2)(b): October 1, 2010 except for the purpose specified in SI 2010/2317 art.2(3)(a); October 1, 2012 otherwise (SI 2010/2317 art. 2(3); SI 2012/1569 art. 3(d))

Extent

Sch. 3(5) para. 20(1)-(2)(b): England, Wales, Scotland

Law In Force

[20A.— Age

(1) A person (A) does not contravene section 29, so far as relating to age discrimination, by doing anything in connection with the provision of a financial service.