

---

STATUTORY INSTRUMENTS

---

**1976 No. 1042 (N.I. 15)**

**Sex Discrimination (Northern Ireland) Order 1976 <sup>F1</sup>**

- - - -  
2nd July 1976

**SEX DISCRIMINATION (NORTHERN IRELAND) ORDER 1976**

PART I

INTRODUCTORY

1. Title and commencement
2. Interpretation

PART II

DISCRIMINATION TO WHICH ORDER APPLIES

3. Direct discrimination on the ground of sex
- 3A Indirect discrimination on the ground of sex
4. Sex discrimination against men
- 4A Direct discrimination on the grounds of gender reassignment
- 4B Indirect discrimination on the ground of gender reassignment
5. Discrimination against married persons and civil partners in employment field
- 5A Discrimination on the ground of pregnancy or maternity leave
- 5B Discrimination on the ground of pregnancy or maternity: goods, facilities, services or premises
6. Discrimination by way of victimisation
- 6A Harassment, including sexual harassment
7. Basis of comparison

PART III

EMPLOYMENT FIELD

*Discrimination by employers*

8. Applicants and employees
- 8A Exception relating to terms and conditions during maternity leave
9. Persons with statutory power to select employees for others
10. Exception where sex is a genuine occupational qualification
- 10A Corresponding exception relating to gender reassignment

**Changes to legislation:** Sex Discrimination (Northern Ireland) Order 1976 is up to date with all changes known to be in force on or before 23 August 2023. 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

- 10B Supplementary exceptions relating to gender reassignment
  - 11. Equal Pay Act (Northern Ireland) 1970
  - 12. Contract workers
  - 13. Meaning of employment at establishment in Northern Ireland

*Discrimination against office holders etc.*

- 13A Offices and posts to which Article 13B applies
- 13B Office holders

*Discrimination by other bodies*

- 14. Partnerships
- 15. Trade unions etc.
- 16. Qualifying bodies
- 17. Persons concerned with provision of vocational training
- 18. Employment agencies

*Special cases*

- Art. 19 rep. by 2000 c. 32
- 20. Prison officers
- 21. Ministers of religion etc.
- 22. Midwives
- 22A Relationships which have come to an end
- 23. Para. (1) rep. by 1990 NI 2 Para. (2) rep....

PART IV

DISCRIMINATION IN OTHER FIELDS

*Education*

- 24. Bodies in charge of educational establishments
- 25. Other discrimination by the Education Authority
- 26. General duty in public sector of education
- 27. Exception for single-sex establishments
- 28. Exception for single-sex establishments turning co-educational
- Art. 29 rep. by SR 2005/426

*Goods, facilities, services and premises*

- 30. Discrimination in provision of goods, facilities or services
- 31. Discrimination in disposal or management of premises
- 32. Discrimination: consent for assignment or sub-letting
- 33. Exception for small dwellings
- 34. Exception for political parties
- 35. Exception for voluntary bodies
- 35A Exception for ceremonies or events to mark a marriage or civil partnership
- 36. Further exceptions from Articles 30(1) and 31
- 36ZA Excluded matters
- 36A Relationships which have come to an end

*Extent*

- 37. Extent of Part IV

## PART V

### OTHER UNLAWFUL ACTS

38. Discriminatory practices
39. Discriminatory advertisements
40. Instructions to discriminate
41. Pressure to discriminate
42. Liability of employers and principals
43. Aiding unlawful acts

## PART VI

### GENERAL EXCEPTIONS FROM PARTS III TO V

- 43A Selection of election candidates
44. Charities
45. Sport etc.
46. Insurance etc.
47. Communal accommodation
48. Discriminatory training by certain bodies
49. Other discriminatory training etc.
50. Trade unions etc.: elective bodies
51. Indirect access to benefits etc.
52. Acts done for purposes of protection of women
- 52A Acts done under statutory authority to be exempt from certain provisions of Part IV
53. Acts safeguarding national security, etc.
- 53ZA Effect of certificates by Secretary of State
- 53A Construction of references to vocational training

## PART VII

### EQUAL OPPORTUNITIES COMMISSION FOR NORTHERN IRELAND

#### *General*

54. Establishment and duties of Commission
55. Research and education
56. Review of discriminatory provisions in health and safety legislation

#### *Codes of practice*

- 56A Codes of practice

#### *Investigations*

57. Power to conduct formal investigations
58. Terms of reference
59. Power to obtain information
60. Recommendations and reports on formal investigations
61. Restriction on disclosure of information

## PART VIII

### ENFORCEMENT

**Changes to legislation:** Sex Discrimination (Northern Ireland) Order 1976 is up to date with all changes known to be in force on or before 23 August 2023. 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

*General*

- 62. Restriction of proceedings for breach of Order

*Enforcement in employment field*

- 63. Jurisdiction of industrial tribunals
- 63A Burden of proof: industrial tribunals  
Art. 64 rep. by 1996 NI 18
- 65. Remedies on complaint under Article 63

*Enforcement of Part IV*

- 66. Claims under Part IV
- 66A Burden of proof: county court

*Non-discrimination notices*

- 67. Issue of non-discrimination notice
- 68. Appeal against non-discrimination notice
- 69. Investigation as to compliance with non-discrimination notice
- 70. Register of non-discrimination notices

*Other enforcement by Commission*

- 71. Persistent discrimination
- 72. Enforcement of Articles 39 to 41
- 73. Preliminary action in employment cases

*Help for persons suffering discrimination*

- 74. Help for aggrieved persons in obtaining information etc.
- 75. Assistance by Commission

*Period within which proceedings to be brought*

- 76. Period within which proceedings to be brought
- 76A Extension of time limit: mediation

PART IX

SUPPLEMENTAL

- 77. Validity and revision of contracts
- 77A Collective agreements and rules of undertakings
- 78. Educational charities
- 79. Power to amend certain provisions of Order
- 80. Orders and regulations
- 81. Transitional provisions; amendments and repeals
- 82. Application to Crown  
Art. 83 rep. by SR 2005/426
- 84. The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve
- 85. Other police bodies

---

## SCHEDULES

— Schedule 1 Part I—Amendments; Part II sets out 1970 c.32 ( NI ) as amended...

### SCHEDULE 2 — TRANSITIONAL EXEMPTION ORDERS FOR EDUCATIONAL ADMISSIONS

1. Any application for a transitional exemption order made by the responsible body in relation to...
2. An application under paragraph 1 shall specify the transitional period proposed by the responsible body...
3. The Department of Education on any application under paragraph 1 may make a transitional exemption...
4. The Commission on any application under paragraph 1 may if it thinks fit make a...

— Schedule 3 rep. by 1998 c. 47

### SCHEDULE 4 — STATUTORY PROVISIONS RELEVANT FOR PURPOSES OF ARTICLE 56

1. The provisions of the Acts mentioned in the following table which are specified in the...
2. The provisions of any regulations, orders or other instruments of a legislative character made or...
3. The provisions of Part II of the Health and Safety at Work (Northern Ireland) Order...

### SCHEDULE 5 — TRANSITIONAL PROVISIONS

Paras. 1, 2 spent

3. (1) Until a date specified by order made by the Department of Health and Social...
- Paras. 4, 5 spent
6. (1) Section 6 of the Equal Pay Act (Northern Ireland) 1970 (as amended by paragraph...

— Schedule 6—Amendments

— Schedule 7—Repeals

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976 is up to date with all changes known to be in force on or before 23 August 2023. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)
- [art.2\(2\) \(defn. of the Commission\) am. \(prosp.\) by 1998 c. 47 s.99Sch.13 para.2\(2\)](#)
- [art.2\(2\) \(defn. of the interim period\) rev. \(prosp.\) by 1998 c. 47 s.100\(2\)Sch.15](#)
- [art.54\(1\) am. \(prosp.\) by 1998 c. 47 s.99Sch.13 para.2\(3\)\(a\)](#)
- [art 61 ext in pt by 2001 c. 24 s 17, Sch 4, Pt 2, para 55](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- [Sch.3 rev. \(prosp.\) by 1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(4\). Sch.15](#)
- [Sch.6 para.2 rev. \(prosp.\) by 1998 c. 47 s. 100\(2\)Sch.15](#)
- [art.19\(6\)\(aa\) added \(prosp.\) by 1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- [art.19\(6\)\(aa\) added \(prosp.\) by 1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- [art.54\(2\)\(3\)\(4\) rev. \(prosp.\) by 1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(3\)\(b\). Sch. 15](#)