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## STATUTORY INSTRUMENTS

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# 1976 No. 1042

## Sex Discrimination (Northern Ireland) Order 1976

### PART IV

#### DISCRIMINATION IN OTHER FIELDS

##### *Goods, facilities, services and premises*

#### **Further exceptions from Articles 30(1) and 31**

**36.**—<sup>[F1]</sup>(1) A person who provides at any place facilities or services restricted to men does not for that reason contravene Article 30(1) if any of the conditions in paragraphs (1A) to (1C) is satisfied.]

<sup>[F2]</sup>(1A) The condition is that the place is, or is part of—

- (a) a hospital, or
- (b) any other establishment for persons requiring special supervision, attention or care.

<sup>[F3]</sup>(1B) The condition is that —

- (a) the place is (permanently or for the time being) occupied or used for the purposes of an organised religion;
- (b) the facilities or services are not normally provided on a commercial basis; and
- (c) the facilities or services are restricted to men so as to comply with the doctrines of the religion in sub-paragraph (a) or avoid offending the religious susceptibilities of a significant number of its followers.]

(1C) The condition is that the facilities or services are provided for, or are likely to be used by, two or more persons at the same time, and—

- (a) the facilities or services are such, or those persons are such, that male users are likely to suffer serious embarrassment at the presence of a woman, or
- (b) the facilities or services are such that a user is likely to be in a state of undress and a male user might reasonably object to the presence of a female user.]

(2) A person who provides facilities or services restricted to men does not for that reason contravene Article 30(1) if the facilities or services are such that physical contact between the user and any other person is likely, and that other person might reasonably object if the user were a woman.

<sup>[F4]</sup>(2A) In their application to discrimination falling within Article 4A, paragraphs (1A), (1C) and (2) shall apply to the extent that any such discrimination is a proportionate means of achieving a legitimate aim.]

(3) Articles 30(1) and 31 do not apply—

- (a) to discrimination <sup>[F5]</sup>or harassment] which is rendered unlawful by any provision in column 1 of the table below, or

**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Section 36 is up to date with all changes known to be in force on or before 15 July 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*

- (b) to discrimination [<sup>F5</sup>or harassment] which would be so unlawful but for any provision in column 2 of that table, or
- (c) to discrimination [<sup>F5</sup>or harassment] which contravenes a term modified or included by virtue of an equality clause.

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**TABLE**

***Provision creating illegality***

***Exception***

Part III

Articles 8(3), 10(1)( *b*), 18(4), 21 and 22.

Schedule 5 paragraphs 1 and 2.

Article 24 or 25

[<sup>F6</sup>Articles 27 and 28].

Schedule 5 paragraph 4.

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| <b>F1</b> | Art. 36(1) substituted (6.4.2008) by <a href="#">Sex Discrimination (Amendment of Legislation) Regulations 2008 (S.I. 2008/963)</a> , regs. 1(1), 2(2), <b>Sch. 2 para. 8(a)</b>       |
| <b>F2</b> | Art. 36(1A)-(1C) inserted (6.4.2008) by <a href="#">Sex Discrimination (Amendment of Legislation) Regulations 2008 (S.I. 2008/963)</a> , regs. 1(1), 2(2), <b>Sch. 2 para. 8(b)</b>    |
| <b>F3</b> | Art. 36(1B) substituted (6.4.2015) by <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/145)</a> , regs. 1(1), <b>2</b>         |
| <b>F4</b> | Art. 36(2A) inserted (6.4.2008) by <a href="#">Sex Discrimination (Amendment of Legislation) Regulations 2008 (S.I. 2008/963)</a> , regs. 1(1), 2(2), <b>Sch. 2 para. 8(c)</b>         |
| <b>F5</b> | Words in art. 36(3) inserted (6.4.2008) by <a href="#">Sex Discrimination (Amendment of Legislation) Regulations 2008 (S.I. 2008/963)</a> , regs. 1(1), 2(2), <b>Sch. 2 para. 8(d)</b> |
| <b>F6</b> | SR 2005/426  |

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 36 is up to date with all changes known to be in force on or before 15 July 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.

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**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](#)

**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](#)