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STATUTORY INSTRUMENTS

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**1976 No. 1042**

**Sex Discrimination (Northern Ireland) Order 1976**

**PART V**

**OTHER UNLAWFUL ACTS**

**Discriminatory practices**

**38.**—<sup>F1</sup>(1) In this Article "discriminatory practice" means—

<sup>F2</sup>(...) the application of a provision, criterion or practice which results in an act of discrimination which is unlawful by virtue of any provision of Part III or IV taken with Article [<sup>F3</sup>3A] or 5(1)(b) or which would be likely to result in such an act of discrimination if the persons to whom it is applied were not all of one sex,<sup>F4</sup>...

<sup>F5</sup>(b)] .....

(2) A person acts in contravention of this Article if and so long as—

- (a) he applies a discriminatory practice, or
- (b) he operates practices or other arrangements which in any circumstances would call for the application by him of a discriminatory practice.

(3) Proceedings in respect of a contravention of this Article [<sup>F6</sup>may be brought] by the Commission in accordance with Articles 67 to 71.

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| <b>F1</b> | SR 2001/282   |
| <b>F2</b> | Word in art. 38(1)(a) omitted (2.5.2016) by virtue of <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>16(a)(i)</b>   |
| <b>F3</b> | Word in art. 38(1)(a) substituted (2.5.2016) by <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>16(a)(ii)</b>        |
| <b>F4</b> | Word in art. 38(1)(a) omitted (2.5.2016) by virtue of <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>16(a)(iii)</b> |
| <b>F5</b> | Art. 38(1)(b) omitted (2.5.2016) by virtue of <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>16(b)</b>              |
| <b>F6</b> | Words in art. 38(3) substituted (31.3.2011) by <a href="#">Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/156)</a> , <b>reg. 5</b>                            |

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 38 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.

[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](#)

**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](#)