
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

PART III

[^{F1}EMPLOYMENT FIELD]

Special cases

Art. 19 rep. by 2000 c. 32

Prison officers

20. Nothing in this Part renders unlawful any discrimination between male and female prison officers as to requirements relating to height.

[^{F1}**Ministers of religion etc.**

21.—(1) Nothing in this Part shall make it unlawful to apply a requirement in relation to employment where—

- (a) the employment is for purposes of an organised religion,
- (b) the requirement is one to which paragraph (3) applies, and
- (c) the requirement is applied—
 - (i) so as to comply with the doctrines of the religion, or
 - (ii) because of the nature of the employment and the context in which it is carried out, so as to avoid conflicting with the strongly-held religious convictions of a significant number of the religion's followers.

(2) Nothing in Article 16 shall make it unlawful to apply a requirement in relation to an authorisation or qualification (as defined in that Article) where—

- (a) the authorisation or qualification is for purposes of an organised religion,
- (b) the requirement is one to which paragraph (3) applies, and
- (c) the requirement is applied—
 - (i) so as to comply with the doctrines of the religion, or
 - (ii) by the authority or body concerned, or by the person by whom the authority or body acts in a particular case, so as to avoid conflicting with the strongly-held religious convictions of a significant number of the religion's followers.

(3) This paragraph applies to—

- (a) a requirement to be of a particular sex,
- (b) a requirement not to be undergoing or to have undergone gender reassignment,
- (c) a requirement relating to not being married or to not being a civil partner,

Changes to legislation: *Sex Discrimination (Northern Ireland) Order 1976, Cross Heading: Special cases is up to date with all changes known to be in force on or before 07 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*

^{F2}(ca)

^{F3}(cb)

(d) a requirement, applied in relation to a person who is married, or is a civil partner, that relates—

(i) to the person, or the person's spouse or civil partner, not having a living former spouse or a living former civil partner, or

(ii) to how the person, or the person's spouse or civil partner, has at any time ceased to be married or ceased to be a civil partner.]

F1	SR 2005/426
F2	Art. 21(3)(ca) omitted (1.9.2020) by virtue of The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 (S.I. 2020/742) , regs. 1(2), 14(2)(a)
F3	Art. 21(3)(cb) omitted (1.9.2020) by virtue of The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 (S.I. 2020/742) , regs. 1(2), 14(2)(a)

Midwives

22.—(1) [^{F4}Until 1st September 1983] Article 8(1) does not apply to employment as a midwife.

(2) [^{F4}Until 1st September 1983] Article 8(2)(a) does not apply to promotion, transfer or training as a midwife.

(3) [^{F4}Until 1st September 1983] Article 17 does not apply to training as a midwife. *Para.(4), which inserts s.54A in 1970 c.11 (NI), rep. by 1979 c.36*

F4	SR 1983/166
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[^{F5}Relationships which have come to an end

22A.—(1) This Article applies where—

(a) there has been a relevant relationship between a woman and another person (“the relevant person”), and

(b) the relationship has come to an end (whether before or after the commencement of this Article).

(2) In this Article, a “relevant relationship” is a relationship during the course of which an act of discrimination by one party to the relationship against the other party to it is unlawful under any preceding provision of this Part.

(3) It is unlawful for the relevant person to discriminate against the woman by subjecting her to a detriment where the discrimination arises out of and is closely connected to the relevant relationship.

[
^{F6}(4) It is unlawful for the relevant person to subject a woman to harassment where that treatment arises out of or is closely connected to the relevant relationship.]]

F5	SR 2004/172
F6	SR 2005/426

Para. (1) rep. by 1990 NI 2

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Para. (2) rep. by 1995 NI 12

Changes to legislation:

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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](#)