

2015 No. 145

SEX DISCRIMINATION

**The Sex Discrimination Order 1976 (Amendment) Regulations
(Northern Ireland) 2015**

Made - - - - *10th March 2015*

Coming into operation - *6th April 2015*

The Office of the First Minister and deputy First Minister, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972 (a) in relation to discrimination (b), makes the following Regulations in exercise of the powers conferred by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 6th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Sex Discrimination (Northern Ireland) Order 1976

2. In Article 36 of the Sex Discrimination (Northern Ireland) Order 1976 (d), for paragraph (1B) substitute:

“(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.”.

(a) 1972 c.68

(b) See the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)

(c) 1954 c.33 (N.I.)

(d) S.I. 1976/1042 (N.I. 15); Article 36(1B) was inserted by regulation 2(2) of, and paragraph 8(b) of Schedule 2 to, S.I.2008/963

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 10th March 2015.



Margaret Rose McNaughton
A senior officer of the
Office of the First Minister and deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Article 36(1B) of the Sex Discrimination (Northern Ireland) Order 1976 (“the 1976 Order”) to give full effect in Northern Ireland to Article 4(5) of Council Directive 2004/113/EC of 13 December 2004 (“the Directive”) on the implementation of the principle of equal treatment between men and women in the access to and supply of goods and services.

Regulation 2 substitutes paragraph (1B) of Article 36 of the 1976 Order to clarify that the type of services covered by the exception in Articles 36(1B) and 36ZA(c) of the 1976 Order are those related to religious worship and observance that are not normally provided on a commercial basis.

Articles 36(1B) and 36ZA(c) of the 1976 Order ensure that the prohibition to discriminate on grounds of sex in the access to, and supply of, goods and services does not cut across the doctrinal requirements of any organised religion. The exception is narrowly drawn and is there to provide clarity and certainty, notwithstanding that matters of religious worship and doctrinal requirements are outside the scope of the Directive. As a consequence, there is no requirement for the exception to comply with Article 4(5) of the Directive in terms of being justified by a legitimate aim, with the means of achieving that aim being appropriate and necessary.

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