



Sex Discrimination Act 1975

1975 CHAPTER 65

PART III

DISCRIMINATION IN OTHER FIELDS

Education

22 Discrimination by bodies in charge of educational establishments

It is unlawful in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the "responsible body") to discriminate against a woman—

- (a) in the terms on which it offers to admit her to the establishment as a pupil, or
- (b) by refusing or deliberately omitting to accept an application for her admission to the establishment as a pupil, or
- (c) where she is a pupil of the establishment—
 - (i) in the way it affords her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (ii) by excluding her from the establishment or subjecting her to any other detriment.

TABLE

<i>Establishment</i>	<i>Responsible body</i>
ENGLAND AND WALES	
1. Educational establishment maintained by a local education authority.	Local education authority or managers or governors, according to which of them has the function in question.
2. Independent school not being a special school.	Proprietor.

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<i>Establishment</i>	<i>Responsible body</i>
3. Special school not maintained by a local education authority.	Proprietor.
4. University.	Governing body.
5. Establishment (not falling within paragraphs 1 to 4) providing full-time or part-time education, being an establishment designated under section 24(1).	Governing body.
SCOTLAND	
6. Educational establishment managed by an education authority.	Education authority.
7. Educational establishment in respect of which the managers are for the time being receiving grants under section 75(c) or (d) of the Education (Scotland) Act 1962.	Managers of the educational establishment.
8. University.	Governing body.
9. Independent school.	Proprietor.
10. Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full or part-time school education or further education.	Managers of the educational establishment.

23 Other discrimination by local education authorities

- (1) It is unlawful for a local education authority, in carrying out such of its functions under the Education Acts 1944 to 1975 as do not fall under section 22, to do any act which constitutes sex discrimination.
- (2) It is unlawful for an education authority, in carrying out such of its functions under the Education (Scotland) Acts 1939 to 1974 as do not fall under section 22, to do any act which constitutes sex discrimination.

24 Designated establishments

- (1) The Secretary of State may by order designate for the purposes of paragraph 5 of the table in section 22 such establishments of the description mentioned in that paragraph as he thinks fit.
- (2) An establishment shall not be designated under subsection (1) unless—
 - (a) it is recognised by the Secretary of State as a polytechnic, or
 - (b) it is an establishment in respect of which grants are payable out of money provided by Parliament, or
 - (c) it is assisted by a local education authority in accordance with a scheme approved under section 42 of the Education Act 1944, or

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- (d) it provides full-time education for persons who have attained the upper limit of compulsory school age but not the age of nineteen.
- (3) A designation under subsection (1) shall remain in force until revoked notwithstanding that the establishment ceases to be within subsection (2).

25 General duty in public sector of education

- (1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without sex discrimination.
- (2) The following provisions of the Education Act 1944, namely—
 - (a) section 68 (power of Secretary of State to require duties under that Act to be exercised reasonably), and
 - (b) section 99 (powers of Secretary of State where local education authorities etc. are in default),shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 and 23 and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act.
- (3) Section 71 of the Education (Scotland) Act 1962 (power of the Secretary of State to require duties in that Act to be exercised) shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 and 23 and shall also apply to the performance of the general duty imposed by subsection (1), as the said section 71 applies to the performance by an education authority of a duty imposed by that Act.
- (4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach of the general duty in subsection (1), but without prejudice to the enforcement of sections 22 and 23 under section 66 or otherwise (where the breach is also a contravention of either of those sections).
- (5) The Secretary of State shall have the power to cause a local inquiry to be held into any matter arising from subsection (3) under section 68 of the Education (Scotland) Act 1962.
- (6) Subsection (1) applies to—
 - (a) local education authorities in England and Wales ;
 - (b) education authorities in Scotland;
 - (c) any other body which is a responsible body in relation to—
 - (i) an establishment falling within paragraph 1, 3 or 7 of the table in section 22 ;
 - (ii) an establishment designated under section 24(1) as falling within paragraph (a) or (c) of section 24(2);
 - (iii) an establishment designated under section 24(1) as falling within paragraph (b) of section 24(2) where the grants in question are payable under section 100 of the Education Act 1944.

26 Exception for single-sex establishments

- (1) Sections 22(a) and (b) and 25 do not apply to the admission of pupils to any establishment (a "single-sex establishment ") which admits pupils of one sex only, or which would be taken to admit pupils of one sex only if there were disregarded pupils of the opposite sex—
 - (a) whose admission is exceptional, or
 - (b) whose numbers are comparatively small and whose admission is confined to particular courses of instruction or teaching classes.
- (2) Where a school which is not a single-sex establishment has some pupils as boarders and others as non-boarders, and admits as boarders pupils of one sex only (or would be taken to admit as boarders pupils of one sex only if there were disregarded boarders of the opposite sex whose numbers are comparatively small), sections 22(a) and (b) and 25 do not apply to the admission of boarders and sections 22(c)(i) and 25 do not apply to boarding facilities.
- (3) Where an establishment is a single-sex establishment by reason of its inclusion in subsection (1)(b), the fact that pupils of one sex are confined to particular courses of instruction or teaching classes shall not be taken to contravene section 22(c) (i) or the duty in section 25.

27 Exception for single-sex establishments turning coeducational

- (1) Where at any time—
 - (a) the responsible body for a single-sex establishment falling within column 1 of the table in section 22 determines to alter its admissions arrangements so that the establishment will cease to be a single-sex establishment, or
 - (b) section 26(2) applies to the admission of boarders to a school falling within column 1 of that table but the responsible body determines to alter its admissions arrangements so that section 26(2) will cease so to apply,the responsible body may apply in accordance with Schedule 2 for an order (a "transitional exemption order) authorising discriminatory admissions during the transitional period specified in the order.
- (2) Where during the transitional period specified in a transitional exemption order applying to an establishment the responsible body refuses or deliberately omits to accept an application for the admission of a person to the establishment as a pupil the refusal or omission shall not be taken to contravene any provision of this Act.
- (3) Subsection (2) does not apply if the refusal or omission contravenes any condition of the transitional exemption order.
- (4) Except as mentioned in subsection (2), a transitional exemption order shall not afford any exemption from liability under this Act.
- (5) Where, during the period between the making of an application for a transitional exemption order in relation to an establishment and the determination of the application, the responsible body refuses or deliberately omits to accept an application for the admission of a person to the establishment as a pupil the refusal or omission shall not be taken to contravene any provision of this Act.

28 Exception for physical training

Sections 22, 23 and 25 do not apply to any further education course being—

- (a) a course in physical training, or
- (b) a course designed for teachers of physical training.

Goods, facilities, services and premises

29 Discrimination in provision of goods, facilities or services

(1) It is unlawful for any person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public to discriminate against a woman who seeks to obtain or use those goods, facilities or services—

- (a) by refusing or deliberately omitting to provide her with any of them, or
- (b) by refusing or deliberately omitting to provide her with goods, facilities or services of the like quality, in the like manner and on the like terms as are normal in his case in relation to male members of the public or (where she belongs to a section of the public) to male members of that section.

(2) The following are examples of the facilities and services mentioned in subsection (1)

- (a) access to and use of any place which members of the public or a section of the public are permitted to enter;
- (b) accommodation in a hotel, boarding house or other similar establishment;
- (c) facilities by way of banking or insurance or for grants, loans, credit or finance ;
- (d) facilities for education ;
- (e) facilities for entertainment, recreation or refreshment;
- (f) facilities for transport or travel;
- (g) the services of any profession or trade, or any local or other public authority.

(3) For the avoidance of doubt it is hereby declared that where a particular skill is commonly exercised in a different way for men and for women it does not contravene subsection (1) for a person who does not normally exercise it for women to insist on exercising it for a woman only in accordance with his normal practice or, if he reasonably considers it impracticable to do that in her case, to refuse or deliberately omit to exercise it.

30 Discrimination in disposal or management of premises

(1) It is unlawful for a person, in relation to premises in Great Britain of which he has power to dispose, to discriminate against a woman—

- (a) in the terms on which he offers her those premises, or
- (b) by refusing her application for those premises, or
- (c) in his treatment of her in relation to any list of persons in need of premises of that description.

(2) It is unlawful for a person, in relation to premises managed by him, to discriminate against a woman occupying the premises—

- (a) in the way he affords her access to any benefits or facilities, or by refusing or deliberately omitting to afford her access to them, or
- (b) by evicting her, or subjecting her to any other detriment.

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- (3) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless he uses the services of an estate agent for the purposes of the disposal of the premises, or publishes or causes to be published an advertisement in connection with the disposal.

31 Discrimination: consent for assignment or sub-letting

- (1) Where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises in Great Britain comprised in a tenancy, it is unlawful for the landlord or other person to discriminate against a woman by withholding the licence or consent for disposal of the premises to her.
- (2) Subsection (1) does not apply if—
- (a) the person withholding a licence or consent, or a near relative of his (" the relevant occupier ") resides, and intends to continue to reside, on the premises, and
 - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household, and
 - (c) the premises are small premises as defined in section 32(2).
- (3) In this section " tenancy " means a tenancy created by a lease or sub-lease, by an agreement for a lease or sub-lease or by a tenancy agreement or in pursuance of any enactment; and " disposal", in relation to premises comprised in a tenancy, includes assignment or assignation of the tenancy and subletting or parting with possession of the premises or any part of the premises.
- (4) This section applies to tenancies created before the passing of this Act, as well as to others.

32 Exception for small dwellings

- (1) Sections 29(1) and 30 do not apply to the provision by a person of accommodation in any premises, or the disposal of premises by him, if—
- (a) that person or a near relative of his (" the relevant occupier ") resides, and intends to continue to reside, on the premises, and
 - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household, and
 - (c) the premises are small premises.
- (2) Premises shall be treated for the purposes of subsection (1) as small premises if—
- (a) in the case of premises comprising residential accommodation for one or more households (under separate letting or similar agreements) in addition to the accommodation occupied by the relevant occupier, there is not normally residential accommodation for more than two such households and only the relevant occupier and any member of his household reside in the accommodation occupied by him;

- (b) in the case of premises not falling within paragraph (a), there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

33 Exception for political parties

- (1) This section applies to a political party if—
 - (a) it has as its main object, or one of its main objects, the promotion of parliamentary candidatures for the Parliament of the United Kingdom, or
 - (b) it is an affiliate of, or has as an affiliate, or has similar formal links with, a political party within paragraph (a).
- (2) Nothing in section 29(1) shall be construed as affecting any special provision for persons of one sex only in the constitution, organisation or administration of the political party.
- (3) Nothing in section 29(1) shall render unlawful an act done in order to give effect to such a special provision.

34 Exception for voluntary bodies

- (1) This section applies to a body—
 - (a) the activities of which are carried on otherwise than for profit, and
 - (b) which was not set up by any enactment.
- (2) Sections 29(1) and 30 shall not be construed as rendering unlawful—
 - (a) the restriction of membership of any such body to persons of one sex (disregarding any minor exceptions), or
 - (b) the provision of benefits, facilities or services to members of any such body where the membership is so restricted,even though membership of the body is open to the public, or to a section of the public.
- (3) Nothing in section 29 or 30 shall—
 - (a) be construed as affecting a provision to which this subsection applies, or
 - (b) render unlawful an act which is done in order to give effect to such a provision.
- (4) Subsection (3) applies to a provision for conferring benefits on persons of one sex only (disregarding any benefits to persons of the opposite sex which are exceptional or are relatively insignificant), being a provision which constitutes the main object of a body within subsection (1).

35 Further exceptions from ss. 29(1) and 30

- (1) A person who provides at any place facilities or services restricted to men does not for that reason contravene section 29(1) if—
 - (a) the place is, or is part of, a hospital, reception centre provided by the Supplementary Benefits Commission or other establishment for persons requiring special care, supervision or attention, or
 - (b) the place is (permanently or for the time being) occupied or used for the purposes of an organised religion, and the facilities or services are restricted to men so as to comply with the doctrines of that religion or avoid offending the religious susceptibilities of a significant number of its followers, or

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- (c) the facilities or services are provided for, or are likely to be used by, two or more persons at the same time, and
 - (i) 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
 - (ii) 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 section 29(1) if the services or facilities 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.
- (3) Sections 29(1) and 30 do not apply-
 - (a) to discrimination which is rendered unlawful by any provision in column 1 of the table below, or
 - (b) to discrimination which would be so unlawful but for any provision in column 2 of that table, or
 - (c) to discrimination which contravenes a term modified or included by virtue of an equality clause.

TABLE

<i>Provision creating illegality</i>	<i>Exception</i>
Part II	Sections 6(3), 7(1)(b), 15(4), 19 and 20. Schedule 4 paragraphs 1 and 2.
Section 22 or 23	Sections 26, 27 and 28. Schedule 4 paragraph 4.

Extent

36 Extent of Part III

- (1) Section 29(1)—
 - (a) does not apply to goods, facilities or services outside Great Britain except as provided in subsections (2) and (3), and
 - (b) does not apply to facilities by way of banking or insurance or for grants, loans, credit or finance, where the facilities are for a purpose to be carried out, or in connection with risks wholly or mainly arising, outside Great Britain.
- (2) Section 29(1) applies to the provision of facilities for travel outside Great Britain where the refusal or omission occurs in Great Britain or on a ship, aircraft or hovercraft within subsection (3).
- (3) Section 29(1) applies on and in relation to—
 - (a) any ship registered at a port of registry in Great Britain, and

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- (b) any aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain,
 - (c) any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the Government of the United Kingdom,
even if the ship, aircraft or hovercraft is outside Great Britain.
- (4) This section shall not render unlawful an act done in or over a country outside the United Kingdom, or in or over that country's territorial waters, for the purpose of complying with the laws of that country.
- (5) Sections 22, 23 and 25 do not apply to benefits, facilities or services outside Great Britain except—
- (a) travel on a ship registered at a port of registry in Great Britain, and
 - (b) benefits, facilities or services provided on a ship so registered.