



# Equality Act 2010

## 2010 CHAPTER 15

### PART 2

#### EQUALITY: KEY CONCEPTS

### CHAPTER 2

#### PROHIBITED CONDUCT

#### *Discrimination: supplementary*

### 23 Comparison by reference to circumstances

- (1) On a comparison of cases for the purposes of section 13, 14, [<sup>F1</sup>19 or 19A] there must be no material difference between the circumstances relating to each case.
- (2) The circumstances relating to a case include a person's abilities if—
  - (a) on a comparison for the purposes of section 13, the protected characteristic is disability;
  - (b) on a comparison for the purposes of section 14, one of the protected characteristics in the combination is disability.
- (3) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is a civil partner while another is married <sup>F2</sup>... is not a material difference between the circumstances relating to each case.
- [<sup>F3</sup>(4) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is married to [<sup>F4</sup>, or the civil partner of,] a person of the same sex while another is married to [<sup>F4</sup>, or the civil partner of,] a person of the opposite sex is not a material difference between the circumstances relating to each case.]

*Changes to legislation: Equality Act 2010, Cross Heading: Discrimination: supplementary is up to date with all changes known to be in force on or before 10 April 2024. 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*

### Textual Amendments

- F1** Words in s. 23(1) substituted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(3)**
- F2** Words in s. 23(3) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 32(2)(a)**
- F3** S. 23(4) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 43(3)**; [S.I. 2014/93](#), art. 3(k)(iv)
- F4** Words in s. 23(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 32(2)(b)**

## 24 Irrelevance of alleged discriminator's characteristics

- (1) For the purpose of establishing a contravention of this Act by virtue of section 13(1), it does not matter whether A has the protected characteristic.
- (2) For the purpose of establishing a contravention of this Act by virtue of section 14(1), it does not matter—
  - (a) whether A has one of the protected characteristics in the combination;
  - (b) whether A has both.

## 25 References to particular strands of discrimination

- (1) Age discrimination is—
  - (a) discrimination within section 13 because of age;
  - (b) discrimination within section 19 [<sup>F5</sup>or 19A] where the relevant protected characteristic is age.
- (2) Disability discrimination is—
  - (a) discrimination within section 13 because of disability;
  - (b) discrimination within section 15;
  - (c) discrimination within section 19 [<sup>F6</sup>or 19A] where the relevant protected characteristic is disability;
  - (d) discrimination within section 21.
- (3) Gender reassignment discrimination is—
  - (a) discrimination within section 13 because of gender reassignment;
  - (b) discrimination within section 16;
  - (c) discrimination within section 19 [<sup>F7</sup>or 19A] where the relevant protected characteristic is gender reassignment.
- (4) Marriage and civil partnership discrimination is—
  - (a) discrimination within section 13 because of marriage and civil partnership;
  - (b) discrimination within section 19 [<sup>F8</sup>or 19A] where the relevant protected characteristic is marriage and civil partnership.
- (5) Pregnancy and maternity discrimination is discrimination within section 17 or 18.
- (6) Race discrimination is—
  - (a) discrimination within section 13 because of race;

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- (b) discrimination within section 19 [<sup>F9</sup>or 19A] where the relevant protected characteristic is race.
- (7) Religious or belief-related discrimination is—
  - (a) discrimination within section 13 because of religion or belief;
  - (b) discrimination within section 19 [<sup>F10</sup>or 19A] where the relevant protected characteristic is religion or belief.
- (8) Sex discrimination is—
  - (a) discrimination within section 13 because of sex;
  - (b) discrimination within section 19 [<sup>F11</sup>or 19A] where the relevant protected characteristic is sex.
- (9) Sexual orientation discrimination is—
  - (a) discrimination within section 13 because of sexual orientation;
  - (b) discrimination within section 19 [<sup>F12</sup>or 19A] where the relevant protected characteristic is sexual orientation.

#### Textual Amendments

- F5** Words in s. 25(1)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(a)**
- F6** Words in s. 25(2)(c) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(b)**
- F7** Words in s. 25(3)(c) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(c)**
- F8** Words in s. 25(4)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(d)**
- F9** Words in s. 25(6)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(e)**
- F10** Words in s. 25(7)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(f)**
- F11** Words in s. 25(8)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(g)**
- F12** Words in s. 25(9)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(h)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)