



# Equality Act 2010

## 2010 CHAPTER 15

### PART 3

#### SERVICES AND PUBLIC FUNCTIONS

##### *Preliminary*

#### **28 Application of this Part**

- (1) This Part does not apply to the protected characteristic of—
  - (a) age, so far as relating to persons who have not attained the age of 18;
  - (b) marriage and civil partnership.
- (2) This Part does not apply to discrimination, harassment or victimisation—
  - (a) that is prohibited by Part 4 (premises), 5 (work) or 6 (education), or
  - (b) that would be so prohibited but for an express exception.
- (3) This Part does not apply to—
  - (a) a breach of an equality clause or rule;
  - (b) anything that would be a breach of an equality clause or rule but for section 69 or Part 2 of Schedule 7;
  - (c) a breach of a non-discrimination rule.

##### *Provision of services, etc.*

#### **29 Provision of services, etc.**

- (1) A person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.
- (2) A service-provider (A) must not, in providing the service, discriminate against a person (B)—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) as to the terms on which A provides the service to B;
  - (b) by terminating the provision of the service to B;
  - (c) by subjecting B to any other detriment.
- (3) A service-provider must not, in relation to the provision of the service, harass—
  - (a) a person requiring the service, or
  - (b) a person to whom the service-provider provides the service.
- (4) A service-provider must not victimise a person requiring the service by not providing the person with the service.
- (5) A service-provider (A) must not, in providing the service, victimise a person (B)—
  - (a) as to the terms on which A provides the service to B;
  - (b) by terminating the provision of the service to B;
  - (c) by subjecting B to any other detriment.
- (6) A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation.
- (7) A duty to make reasonable adjustments applies to—
  - (a) a service-provider (and see also section 55(7));
  - (b) a person who exercises a public function that is not the provision of a service to the public or a section of the public.
- (8) In the application of section 26 for the purposes of subsection (3), and subsection (6) as it relates to harassment, neither of the following is a relevant protected characteristic—
  - (a) religion or belief;
  - (b) sexual orientation.
- (9) In the application of this section, so far as relating to race or religion or belief, to the granting of entry clearance (within the meaning of the Immigration Act 1971), it does not matter whether an act is done within or outside the United Kingdom.
- (10) Subsection (9) does not affect the application of any other provision of this Act to conduct outside England and Wales or Scotland.

### *Supplementary*

## **30 Ships and hovercraft**

- (1) This Part (subject to subsection (2)) applies only in such circumstances as are prescribed in relation to—
  - (a) transporting people by ship or hovercraft;
  - (b) a service provided on a ship or hovercraft.
- (2) Section 29(6) applies in relation to the matters referred to in paragraphs (a) and (b) of subsection (1); but in so far as it relates to disability discrimination, section 29(6) applies to those matters only in such circumstances as are prescribed.
- (3) It does not matter whether the ship or hovercraft is within or outside the United Kingdom.

- (4) “Ship” has the same meaning as in the Merchant Shipping Act 1995.
- (5) “Hovercraft” has the same meaning as in the Hovercraft Act 1968.
- (6) Nothing in this section affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

### **31 Interpretation and exceptions**

- (1) This section applies for the purposes of this Part.
- (2) A reference to the provision of a service includes a reference to the provision of goods or facilities.
- (3) A reference to the provision of a service includes a reference to the provision of a service in the exercise of a public function.
- (4) A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998.
- (5) Where an employer arranges for another person to provide a service only to the employer’s employees—
  - (a) the employer is not to be regarded as the service-provider, but
  - (b) the employees are to be regarded as a section of the public.
- (6) A reference to a person requiring a service includes a reference to a person who is seeking to obtain or use the service.
- (7) A reference to a service-provider not providing a person with a service includes a reference to—
  - (a) the service-provider not providing the person with a service of the quality that the service-provider usually provides to the public (or the section of it which includes the person), or
  - (b) the service-provider not providing the person with the service in the manner in which, or on the terms on which, the service-provider usually provides the service to the public (or the section of it which includes the person).
- (8) In relation to the provision of a service by either House of Parliament, the service-provider is the Corporate Officer of the House concerned; and if the service involves access to, or use of, a place in the Palace of Westminster which members of the public are allowed to enter, both Corporate Officers are jointly the service-provider.
- (9) Schedule 2 (reasonable adjustments) has effect.
- (10) Schedule 3 (exceptions) has effect.