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**Changes to legislation:** Equality Act 2010, Cross Heading: Single-sex institutions turning co-educational is up to date with all changes known to be in force on or before 23 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

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## SCHEDULES

### SCHEDULE 12 **E+W+S**

#### FURTHER AND HIGHER EDUCATION EXCEPTIONS

##### **PART 1** **E+W+S**

###### SINGLE-SEX INSTITUTIONS, ETC.

###### *Single-sex institutions turning co-educational*

- 2 (1) If the responsible body of a single-sex institution decides to alter its admissions arrangements so that the institution will cease to be a single-sex institution, the body may apply for a transitional exemption order in relation to the institution.
- (2) A transitional exemption order relating to an institution is an order which, during the period specified in the order as the transitional period, authorises—
- (a) sex discrimination by the responsible body of the institution in the arrangements it makes for deciding who is offered admission as a student;
  - (b) the responsible body, in the circumstances specified in the order, not to admit a person as a student because of the person's sex.
- (3) Paragraph 3 applies in relation to the making of a transitional exemption order.
- (4) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if—
- (a) in accordance with a transitional exemption order, or
  - (b) pending the determination of an application for a transitional exemption order in relation to the institution,
- it does not admit a person as a student because of the person's sex.
- (5) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if—
- (a) in accordance with a transitional exemption order, or
  - (b) pending the determination of an application for a transitional exemption order in relation to the institution,
- it discriminates in the arrangements it makes for deciding who is offered admission as a student.
- 3 (1) In the case of a single-sex institution—
- (a) its responsible body may submit to the Commission an application for the making of a transitional exemption order, and
  - (b) the Commission may make the order.
- (2) An application under sub-paragraph (1) must specify—

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- (a) the period proposed by the responsible body as the transitional period to be specified in the order,
  - (b) the stages, within that period, by which the body proposes to move to the position where section 91(1)(a) and (c), so far as relating to sex, is complied with, and
  - (c) any other matters relevant to the terms and operation of the order applied for.
- (3) The Commission must not make an order on an application under sub-paragraph (1) unless satisfied that the terms of the application are reasonable, having regard to—
- (a) the nature of the institution's premises,
  - (b) the accommodation, equipment and facilities available, and
  - (c) the responsible body's financial resources.

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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](#)