

## SCHEDULE 2

### Amendment of the 1976 Order

#### **Further exceptions from Articles 30(1) and 31**

**8.** In Article 36 (further exceptions from Articles 30(1) and 31)—

(a) for paragraph (1) substitute—

“(1) A person who provides at any place facilities or services restricted to men does not for that reason contravene Article 30(1) if any of the conditions in paragraphs (1A) to (1C) is satisfied.”;

(b) after paragraph (1) insert—

“(1A) The condition is that the place is, or is part of—

(a) a hospital, or

(b) any other establishment for persons requiring special supervision, attention or care.

(1B) The condition is that 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.

(1C) The condition is that the facilities or services are provided for, or are likely to be used by, two or more persons at the same time, and—

(a) 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

(b) 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.”;

(c) after paragraph (2) insert—

“(2A) In their application to discrimination falling within Article 4A, paragraphs (1A), (1C) and (2) shall apply to the extent that any such discrimination is a proportionate means of achieving a legitimate aim.”; and

(d) in paragraph (3)(1), after “discrimination”, (in each place where it occurs), insert “or harassment”.

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(1) The Table in Article 36(3) was amended by [S.R. 2005 No. 426](#).