



Equality Act 2010

2010 CHAPTER 15

PART 7

ASSOCIATIONS

Special provision for political parties

104 Selection of candidates

- (1) This section applies to an association which is a registered political party.
- (2) A person does not contravene this Part only by acting in accordance with selection arrangements.
- (3) Selection arrangements are arrangements—
 - (a) which the party makes for regulating the selection of its candidates in a relevant election,
 - (b) the purpose of which is to reduce inequality in the party's representation in the body concerned, and
 - (c) which, subject to subsection (7), are a proportionate means of achieving that purpose.
- (4) The reference in subsection (3)(b) to inequality in a party's representation in a body is a reference to inequality between—
 - (a) the number of the party's candidates elected to be members of the body who share a protected characteristic, and
 - (b) the number of the party's candidates so elected who do not share that characteristic.
- (5) For the purposes of subsection (4), persons share the protected characteristic of disability if they are disabled persons (and section 6(3)(b) is accordingly to be ignored).

Changes to legislation: Equality Act 2010, Section 104 is up to date with all changes known to be in force on or before 18 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

- (6) Selection arrangements do not include short-listing only such persons as have a particular protected characteristic.
- (7) But subsection (6) does not apply to the protected characteristic of sex; and subsection (3)(c) does not apply to short-listing in reliance on this subsection.
- (8) The following elections are relevant elections—
- (a) Parliamentary Elections;
 - ^{F1}(b)
 - (c) elections to the Scottish Parliament;
 - (d) elections to the National Assembly for Wales;
 - (e) local government elections within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 (excluding elections for the Mayor of London).

Textual Amendments

- F1** S. 104(8)(b) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
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Commencement Information

- I1** S. 104 wholly in force at 1.10.2012; s. 104 not in force at Royal Assent see s. 216; s. 104 in force for certain purposes at 1.10.2010 by [S.I. 2010/2317](#), **art. 2(1)(7)(a)** (with [art. 15](#)); s. 104 in force so far as not already in force at 1.10.2012 by [S.I. 2012/1569](#), **art. 2(b)**

Changes to legislation:

Equality Act 2010, Section 104 is up to date with all changes known to be in force on or before 18 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.

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Changes and effects yet to be applied to :

- s. 104(7) words repealed by [2010 c. 15 s. 105\(1\)\(2\)](#) (This repeal comes into force at the end of 2030 unless an order under s. 105(2) specifies a later time)

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](#)