



# Equality Act 2006

## 2006 CHAPTER 3

### PART 2

#### DISCRIMINATION ON GROUNDS OF RELIGION OR BELIEF

##### *General exceptions*

#### **56 Statutory requirements**

Nothing in this Part shall make it unlawful to do anything which is necessary, or in so far as it is necessary, for the purpose of complying with—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) legislation made or to be made—
  - (i) by a Minister of the Crown,
  - (ii) by Order in Council,
  - (iii) by the Scottish Ministers or a member of the Scottish Executive,
  - (iv) by the National Assembly for Wales, or
  - (v) by or by virtue of a Measure of the General Synod of the Church of England, or
- (d) a condition or requirement imposed by a Minister of the Crown by virtue of anything listed in paragraphs (a) to (c).

#### **57 Organisations relating to religion or belief**

- (1) This section applies to an organisation the purpose of which is—
  - (a) to practice a religion or belief,
  - (b) to advance a religion or belief,
  - (c) to teach the practice or principles of a religion or belief,
  - (d) to enable persons of a religion or belief to receive any benefit, or to engage in any activity, within the framework of that religion or belief, or

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- (e) to improve relations, or maintain good relations, between persons of different religions or beliefs.
- (2) But this section does not apply to an organisation whose sole or main purpose is commercial.
  - (3) Nothing in this Part shall make it unlawful for an organisation to which this section applies or anyone acting on behalf of or under the auspices of an organisation to which this section applies—
    - (a) to restrict membership of the organisation,
    - (b) to restrict participation in activities undertaken by the organisation or on its behalf or under its auspices,
    - (c) to restrict the provision of goods, facilities or services in the course of activities undertaken by the organisation or on its behalf or under its auspices, or
    - (d) to restrict the use or disposal of premises owned or controlled by the organisation.
  - (4) Nothing in this Part shall make it unlawful for a minister—
    - (a) to restrict participation in activities carried on in the performance of his functions in connection with or in respect of an organisation to which this section relates, or
    - (b) to restrict the provision of goods, facilities or services in the course of activities carried on in the performance of his functions in connection with or in respect of an organisation to which this section relates.
  - (5) But subsections (3) and (4) permit a restriction only if imposed—
    - (a) by reason of or on the grounds of the purpose of the organisation, or
    - (b) in order to avoid causing offence, on grounds of the religion or belief to which the organisation relates, to persons of that religion or belief.
  - (6) In subsection (4) the reference to a minister is a reference to a minister of religion, or other person, who—
    - (a) performs functions in connection with a religion or belief to which an organisation, to which this section applies, relates, and
    - (b) holds an office or appointment in, or is accredited, approved or recognised for purposes of, an organisation to which this section applies.

## **58 Charities relating to religion or belief**

- (1) Nothing in this Part shall make it unlawful for a person to provide benefits only to persons of a particular religion or belief, if—
  - (a) he acts in pursuance of a charitable instrument, and
  - (b) the restriction of benefits to persons of that religion or belief is imposed by reason of or on the grounds of the provisions of the charitable instrument.
- (2) Nothing in this Part shall make it unlawful for the Charity Commissioners for England and Wales or the holder of the Office of the Scottish Charity Regulator to exercise a function in relation to a charity in a manner which appears to the Commissioners or to the holder to be expedient in the interests of the charity, having regard to the provisions of the charitable instrument.
- (3) In this section “charitable instrument”—

- (a) means an instrument establishing or governing a charity, and
- (b) includes a charitable instrument made before the commencement of this section.

## **59 Faith schools, &c.**

- (1) Nothing in this Part shall make it unlawful for an educational institution established or conducted for the purpose of providing education relating to, or within the framework of, a specified religion or belief—
  - (a) to restrict the provision of goods, facilities or services, or
  - (b) to restrict the use or disposal of premises.
- (2) But subsection (1) permits a restriction only if imposed—
  - (a) by reason of or on the grounds of the purpose of the institution, or
  - (b) in order to avoid causing offence, on grounds of the religion or belief to which the institution relates, to persons connected with the institution.
- (3) In this Part a reference to the provision of facilities or services shall not, in so far as it applies to an educational institution, include a reference to educational facilities or educational services provided to students of the institution.

## **60 Membership requirement**

- (1) Nothing in this Part shall make it unlawful for a charity to require members, or persons wishing to become members, to make a statement which asserts or implies membership or acceptance of a religion or belief.
- (2) Subsection (1) shall apply to the imposition of a requirement by a charity only if—
  - (a) the charity, or an organisation of which the charity is part, first imposed a requirement of the kind specified in subsection (1) before 18th May 2005, and
  - (b) the charity or organisation has not ceased since that date to impose a requirement of that kind.

## **61 Education, training and welfare**

Nothing in this Part shall make it unlawful to do anything by way of—

- (a) meeting special needs for education, training or welfare of persons of a religion or belief, or
- (b) providing ancillary benefits in connection with meeting the needs mentioned in paragraph (a).

## **62 Care within family**

Nothing in this Part shall make it unlawful for a person to take into his home, and treat in the same manner as a member of his family, a person who requires a special degree of care and attention (whether by reason of being a child or an elderly person or otherwise).

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### **63 National security**

Nothing in this Part shall make unlawful anything which is done for, and justified by, the purpose of safeguarding national security.

### **64 Amendment of exceptions**

- (1) The Secretary of State may by order amend this Part so as to—
  - (a) create an exception to the prohibition under section 52(1), or,
  - (b) vary an exception to a prohibition under this Part.
- (2) Before making an order under subsection (1) the Secretary of State shall consult the Commission for Equality and Human Rights.
- (3) An order under subsection (1)—
  - (a) may include transitional, incidental or consequential provision (including provision amending an enactment (including an enactment in or under an Act of the Scottish Parliament)),
  - (b) may make provision generally or only for specified cases or circumstances,
  - (c) may make different provision for different cases or circumstances,
  - (d) shall be made by statutory instrument, and
  - (e) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.