

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Premises**

#### *Section 33: Disposals, etc.*

#### **Effect**

126. This section makes it unlawful for a person who has the authority to dispose of premises (for example, by selling, letting or subletting a property) to discriminate against or victimise someone else in a number of ways including by offering the premises to them on less favourable terms; by not letting or selling the premises to them or by treating them less favourably.
127. It also makes it unlawful for a person with authority to dispose of premises to harass someone who occupies or applies for them. The Act does not however make it unlawful to harass someone because of sexual orientation or religion or belief when disposing of premises.

#### **Background**

128. This section replaces similar provisions in previous legislation. Conduct that would otherwise have fallen within the definition of harassment may still amount to direct discrimination, as section 212(5) makes clear.

#### **Examples**

- A landlord refuses to let a property to a prospective tenant because of her race. This is direct discrimination when disposing of premises.
- A vendor offers her property to a prospective buyer who is disabled at a higher sale price than she would to a non-disabled person, because of the person's disability. This is direct discrimination when disposing of premises.