



# Equality Act 2010

## 2010 CHAPTER 15

### PART 16

#### GENERAL AND MISCELLANEOUS

##### *Interpretation*

#### **212 General interpretation**

(1) In this Act—

“armed forces” means any of the naval, military or air forces of the Crown;

“the Commission” means the Commission for Equality and Human Rights;

“detriment” does not, subject to subsection (5), include conduct which amounts to harassment;

“the Education Acts” has the meaning given in section 578 of the Education Act 1996;

“employment” and related expressions are (subject to subsection (11)) to be read with section 83;

“enactment” means an enactment contained in—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) an Act or Measure of the National Assembly for Wales, or
- (d) subordinate legislation;

“equality clause” means a sex equality clause or maternity equality clause;

“equality rule” means a sex equality rule or maternity equality rule;

“man” means a male of any age;

“maternity equality clause” has the meaning given in section 73;

“maternity equality rule” has the meaning given in section 75;

“non-discrimination rule” has the meaning given in section 61;

“occupational pension scheme” has the meaning given in section 1 of the Pension Schemes Act 1993;

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- “parent” has the same meaning as in—
- (a) the Education Act 1996 (in relation to England and Wales);
  - (b) the Education (Scotland) Act 1980 (in relation to Scotland);
- “prescribed” means prescribed by regulations;
- “profession” includes a vocation or occupation;
- “sex equality clause” has the meaning given in section 66;
- “sex equality rule” has the meaning given in section 67;
- “subordinate legislation” means—
- (a) subordinate legislation within the meaning of the Interpretation Act 1978, or
  - (b) an instrument made under an Act of the Scottish Parliament or an Act or Measure of the National Assembly for Wales;
- “substantial” means more than minor or trivial;
- “trade” includes any business;
- “woman” means a female of any age.
- (2) A reference (however expressed) to an act includes a reference to an omission.
  - (3) A reference (however expressed) to an omission includes (unless there is express provision to the contrary) a reference to—
    - (a) a deliberate omission to do something;
    - (b) a refusal to do it;
    - (c) a failure to do it.
  - (4) A reference (however expressed) to providing or affording access to a benefit, facility or service includes a reference to facilitating access to the benefit, facility or service.
  - (5) Where this Act disapplies a prohibition on harassment in relation to a specified protected characteristic, the disapplication does not prevent conduct relating to that characteristic from amounting to a detriment for the purposes of discrimination within section 13 because of that characteristic.
  - (6) A reference to occupation, in relation to premises, is a reference to lawful occupation.
  - (7) The following are members of the executive—
    - (a) a Minister of the Crown;
    - (b) a government department;
    - (c) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government;
    - (d) any part of the Scottish Administration.
  - (8) A reference to a breach of an equality clause or rule is a reference to a breach of a term modified by, or included by virtue of, an equality clause or rule.
  - (9) A reference to a contravention of this Act does not include a reference to a breach of an equality clause or rule, unless there is express provision to the contrary.
  - (10) “Member”, in relation to an occupational pension scheme, means an active member, a deferred member or a pensioner member (within the meaning, in each case, given by section 124 of the Pensions Act 1995).
  - (11) “Employer”, “deferred member”, “pension credit member”, “pensionable service”, “pensioner member” and “trustees or managers” each have, in relation to an

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occupational pension scheme, the meaning given by section 124 of the Pensions Act 1995.

- (12) A reference to the accrual of rights under an occupational pension scheme is to be construed in accordance with that section.
- (13) Nothing in section 28, 32, 84, 90, 95 or 100 is to be regarded as an express exception.

### **213 References to maternity leave, etc.**

- (1) This section applies for the purposes of this Act.
- (2) A reference to a woman on maternity leave is a reference to a woman on—
  - (a) compulsory maternity leave,
  - (b) ordinary maternity leave, or
  - (c) additional maternity leave.
- (3) A reference to a woman on compulsory maternity leave is a reference to a woman absent from work because she satisfies the conditions prescribed for the purposes of section 72(1) of the Employment Rights Act 1996.
- (4) A reference to a woman on ordinary maternity leave is a reference to a woman absent from work because she is exercising the right to ordinary maternity leave.
- (5) A reference to the right to ordinary maternity leave is a reference to the right conferred by section 71(1) of the Employment Rights Act 1996.
- (6) A reference to a woman on additional maternity leave is a reference to a woman absent from work because she is exercising the right to additional maternity leave.
- (7) A reference to the right to additional maternity leave is a reference to the right conferred by section 73(1) of the Employment Rights Act 1996.
- (8) “Additional maternity leave period” has the meaning given in section 73(2) of that Act.

### **214 Index of defined expressions**

Schedule 28 lists the places where expressions used in this Act are defined or otherwise explained.

**Changes to legislation:**

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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](#)