



Equality Act 2010

2010 CHAPTER 15

PART 2 **E+W+S**

EQUALITY: KEY CONCEPTS

CHAPTER 2 **E+W+S**

PROHIBITED CONDUCT

Discrimination: supplementary

23 Comparison by reference to circumstances **E+W+S**

- (1) On a comparison of cases for the purposes of section 13, 14, [^{F1}19 or 19A] there must be no material difference between the circumstances relating to each case.
- (2) The circumstances relating to a case include a person's abilities if—
 - (a) on a comparison for the purposes of section 13, the protected characteristic is disability;
 - (b) on a comparison for the purposes of section 14, one of the protected characteristics in the combination is disability.
- (3) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is a civil partner while another is married ^{F2}... is not a material difference between the circumstances relating to each case.
- [^{F3}(4) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is married to [^{F4}, or the civil partner of,] a person of the same sex while another is married to [^{F4}, or the civil partner of,] a person of the opposite sex is not a material difference between the circumstances relating to each case.]

Changes to legislation: Equality Act 2010, Cross Heading: Discrimination: supplementary is up to date with all changes known to be in force on or before 19 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

Textual Amendments

- F1** Words in s. 23(1) substituted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(3)**
- F2** Words in s. 23(3) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 32(2)(a)**
- F3** S. 23(4) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 43(3)**; S.I. 2014/93, art. 3(k)(iv)
- F4** Words in s. 23(4) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 32(2)(b)**

24 Irrelevance of alleged discriminator's characteristics **E+W+S**

- (1) For the purpose of establishing a contravention of this Act by virtue of section 13(1), it does not matter whether A has the protected characteristic.
- (2) For the purpose of establishing a contravention of this Act by virtue of section 14(1), it does not matter—
- whether A has one of the protected characteristics in the combination;
 - whether A has both.

25 References to particular strands of discrimination **E+W+S**

- (1) Age discrimination is—
- discrimination within section 13 because of age;
 - discrimination within section 19 [^{F5}or 19A] where the relevant protected characteristic is age.
- (2) Disability discrimination is—
- discrimination within section 13 because of disability;
 - discrimination within section 15;
 - discrimination within section 19 [^{F6}or 19A] where the relevant protected characteristic is disability;
 - discrimination within section 21.
- (3) Gender reassignment discrimination is—
- discrimination within section 13 because of gender reassignment;
 - discrimination within section 16;
 - discrimination within section 19 [^{F7}or 19A] where the relevant protected characteristic is gender reassignment.
- (4) Marriage and civil partnership discrimination is—
- discrimination within section 13 because of marriage and civil partnership;
 - discrimination within section 19 [^{F8}or 19A] where the relevant protected characteristic is marriage and civil partnership.
- (5) Pregnancy and maternity discrimination is discrimination within section 17 or 18.
- (6) Race discrimination is—
- discrimination within section 13 because of race;

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- (b) discrimination within section 19 [^{F9}or 19A] where the relevant protected characteristic is race.
- (7) Religious or belief-related discrimination is—
 - (a) discrimination within section 13 because of religion or belief;
 - (b) discrimination within section 19 [^{F10}or 19A] where the relevant protected characteristic is religion or belief.
- (8) Sex discrimination is—
 - (a) discrimination within section 13 because of sex;
 - (b) discrimination within section 19 [^{F11}or 19A] where the relevant protected characteristic is sex.
- (9) Sexual orientation discrimination is—
 - (a) discrimination within section 13 because of sexual orientation;
 - (b) discrimination within section 19 [^{F12}or 19A] where the relevant protected characteristic is sexual orientation.

Textual Amendments

- F5** Words in s. 25(1)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(a)**
- F6** Words in s. 25(2)(c) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(b)**
- F7** Words in s. 25(3)(c) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(c)**
- F8** Words in s. 25(4)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(d)**
- F9** Words in s. 25(6)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(e)**
- F10** Words in s. 25(7)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(f)**
- F11** Words in s. 25(8)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(g)**
- F12** Words in s. 25(9)(b) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **3(4)(h)**

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](#)