



# Equality Act 2010

## 2010 CHAPTER 15

### PART 8

#### PROHIBITED CONDUCT: ANCILLARY

#### **108 Relationships that have ended**

- (1) A person (A) must not discriminate against another (B) if—
  - (a) the discrimination arises out of and is closely connected to a relationship which used to exist between them, and
  - (b) conduct of a description constituting the discrimination would, if it occurred during the relationship, contravene this Act.
- (2) A person (A) must not harass another (B) if—
  - (a) the harassment arises out of and is closely connected to a relationship which used to exist between them, and
  - (b) conduct of a description constituting the harassment would, if it occurred during the relationship, contravene this Act.
- (3) It does not matter whether the relationship ends before or after the commencement of this section.
- (4) A duty to make reasonable adjustments applies to A [<sup>F1</sup>if B is] placed at a substantial disadvantage as mentioned in section 20.
- (5) For the purposes of subsection (4), sections 20, 21 and 22 and the applicable Schedules are to be construed as if the relationship had not ended.
- (6) For the purposes of Part 9 (enforcement), a contravention of this section relates to the Part of this Act that would have been contravened if the relationship had not ended.
- (7) But conduct is not a contravention of this section in so far as it also amounts to victimisation of B by A.

*Status: Point in time view as at 13/03/2014.*

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### Textual Amendments

- F1** Words in s. 108(4) substituted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279, arts. 1(2), 5

## 109 Liability of employers and principals

- (1) Anything done by a person (A) in the course of A's employment must be treated as also done by the employer.
- (2) Anything done by an agent for a principal, with the authority of the principal, must be treated as also done by the principal.
- (3) It does not matter whether that thing is done with the employer's or principal's knowledge or approval.
- (4) In proceedings against A's employer (B) in respect of anything alleged to have been done by A in the course of A's employment it is a defence for B to show that B took all reasonable steps to prevent A—
  - (a) from doing that thing, or
  - (b) from doing anything of that description.
- (5) This section does not apply to offences under this Act (other than offences under Part 12 (disabled persons: transport)).

## 110 Liability of employees and agents

- (1) A person (A) contravenes this section if—
    - (a) A is an employee or agent,
    - (b) A does something which, by virtue of section 109(1) or (2), is treated as having been done by A's employer or principal (as the case may be), and
    - (c) the doing of that thing by A amounts to a contravention of this Act by the employer or principal (as the case may be).
  - (2) It does not matter whether, in any proceedings, the employer is found not to have contravened this Act by virtue of section 109(4).
  - (3) A does not contravene this section if—
    - (a) A relies on a statement by the employer or principal that doing that thing is not a contravention of this Act, and
    - (b) it is reasonable for A to do so.
  - (4) A person (B) commits an offence if B knowingly or recklessly makes a statement mentioned in subsection (3)(a) which is false or misleading in a material respect.
  - (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- [<sup>F2</sup>(5A) A does not contravene this section if A—
- (a) does not conduct a relevant marriage,
  - (b) is not present at, does not carry out, or does not otherwise participate in, a relevant marriage, or
  - (c) does not consent to a relevant marriage being conducted,

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for the reason that the marriage is the marriage of a same sex couple.

- (5B) Subsection (5A) applies to A only if A is within the meaning of “person” for the purposes of section 2 of the Marriage (Same Sex Couples) Act 2013; and other expressions used in subsection (5A) and section 2 of that Act have the same meanings in that subsection as in that section.]
- (6) Part 9 (enforcement) applies to a contravention of this section by A as if it were the contravention mentioned in subsection (1)(c).
- (7) The reference in subsection (1)(c) to a contravention of this Act does not include a reference to disability discrimination in contravention of Chapter 1 of Part 6 (schools).

#### Textual Amendments

- F2** S. 110(5A)(5B) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 2\(5\), 21\(3\); S.I. 2014/93, art. 3\(a\)](#)

## 111 Instructing, causing or inducing contraventions

- (1) A person (A) must not instruct another (B) to do in relation to a third person (C) anything which contravenes Part 3, 4, 5, 6 or 7 or section 108(1) or (2) or 112(1) (a basic contravention).
- (2) A person (A) must not cause another (B) to do in relation to a third person (C) anything which is a basic contravention.
- (3) A person (A) must not induce another (B) to do in relation to a third person (C) anything which is a basic contravention.
- (4) For the purposes of subsection (3), inducement may be direct or indirect.
- (5) Proceedings for a contravention of this section may be brought—
- by B, if B is subjected to a detriment as a result of A's conduct;
  - by C, if C is subjected to a detriment as a result of A's conduct;
  - by the Commission.
- (6) For the purposes of subsection (5), it does not matter whether—
- the basic contravention occurs;
  - any other proceedings are, or may be, brought in relation to A's conduct.
- (7) This section does not apply unless the relationship between A and B is such that A is in a position to commit a basic contravention in relation to B.
- (8) A reference in this section to causing or inducing a person to do something includes a reference to attempting to cause or induce the person to do it.
- (9) For the purposes of Part 9 (enforcement), a contravention of this section is to be treated as relating—
- in a case within subsection (5)(a), to the Part of this Act which, because of the relationship between A and B, A is in a position to contravene in relation to B;
  - in a case within subsection (5)(b), to the Part of this Act which, because of the relationship between B and C, B is in a position to contravene in relation to C.

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## **112 Aiding contraventions**

- (1) A person (A) must not knowingly help another (B) to do anything which contravenes Part 3, 4, 5, 6 or 7 or section 108(1) or (2) or 111 (a basic contravention).
- (2) It is not a contravention of subsection (1) if—
  - (a) A relies on a statement by B that the act for which the help is given does not contravene this Act, and
  - (b) it is reasonable for A to do so.
- (3) B commits an offence if B knowingly or recklessly makes a statement mentioned in subsection (2)(a) which is false or misleading in a material respect.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) For the purposes of Part 9 (enforcement), a contravention of this section is to be treated as relating to the provision of this Act to which the basic contravention relates.
- (6) The reference in subsection (1) to a basic contravention does not include a reference to disability discrimination in contravention of Chapter 1 of Part 6 (schools).

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