

Status: Point in time view as at 01/08/2019.

Changes to legislation: Equality Act 2010, SCHEDULE 22 is up to date with all changes known to be in force on or before 23 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)

SCHEDULES

SCHEDULE 22

Section 191

STATUTORY PROVISIONS

Statutory authority

- 1 (1) A person (P) does not contravene a provision specified in the first column of the table, so far as relating to the protected characteristic specified in the second column in respect of that provision, if P does anything P must do pursuant to a requirement specified in the third column.

| <i>Specified provision</i> | <i>Protected characteristic</i> | <i>Requirement</i> |
|--|---------------------------------|--|
| Parts 3 to 7 | Age | A requirement of an enactment |
| Parts 3 to 7 and 12 | Disability | A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment |
| Parts 3 to 7 | Religion or belief | A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment |
| Section 29(6) and Sex Parts 6 and 7 | | A requirement of an enactment |
| Parts 3, 4, 6 and 7 | Sexual orientation | A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment |

- (2) A reference in the table to Part 6 does not include a reference to that Part so far as relating to vocational training.
- (3) In this paragraph a reference to an enactment includes a reference to—
- a Measure of the General Synod of the Church of England;
 - an enactment passed or made on or after the date on which this Act is passed.
- (4) In the table, a relevant requirement or condition is a requirement or condition imposed (whether before or after the passing of this Act) by—
- a Minister of the Crown;
 - a member of the Scottish Executive;
 - the National Assembly for Wales (constituted by the Government of Wales Act 1998);
 - the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.

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Commencement Information

- II** Sch. 22 para. 1 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

Protection of women

- 2 (1) A person (P) does not contravene a specified provision only by doing in relation to a woman (W) anything P is required to do to comply with—
- (a) a pre-1975 Act enactment concerning the protection of women;
 - (b) a relevant statutory provision (within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974) if it is done for the purpose of the protection of W (or a description of women which includes W);
 - (c) a requirement of a provision specified in Schedule 1 to the Employment Act 1989 (provisions concerned with protection of women at work).
- (2) The references to the protection of women are references to protecting women in relation to—
- (a) pregnancy or maternity, or
 - (b) any other circumstances giving rise to risks specifically affecting women.
- (3) It does not matter whether the protection is restricted to women.
- (4) These are the specified provisions—
- (a) Part 5 (work);
 - (b) Part 6 (education), so far as relating to vocational training.
- (5) A pre-1975 Act enactment is an enactment contained in—
- (a) an Act passed before the Sex Discrimination Act 1975;
 - (b) an instrument approved or made by or under such an Act (including one approved or made after the passing of the 1975 Act).
- (6) If an Act repeals and re-enacts (with or without modification) a pre-1975 enactment then the provision re-enacted must be treated as being in a pre-1975 enactment.
- (7) For the purposes of sub-paragraph (1)(c), a reference to a provision in Schedule 1 to the Employment Act 1989 includes a reference to a provision for the time being having effect in place of it.
- (8) This paragraph applies only to the following protected characteristics—
- (a) pregnancy and maternity;
 - (b) sex.

Commencement Information

- I2** Sch. 22 para. 2 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(14)(d) (with art. 15); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, art. 3(f)

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Educational appointments, etc: religious belief

- 3 (1) A person does not contravene Part 5 (work) only by doing a relevant act in connection with the employment of another in a relevant position.
- (2) A relevant position is—
- (a) the head teacher or principal of an educational establishment;
 - (b) the head, a fellow or other member of the academic staff of a college, or institution in the nature of a college, in a university;
 - (c) a professorship of a university which is a canon professorship or one to which a canonry is annexed.
- (3) A relevant act is anything it is necessary to do to comply with—
- (a) a requirement of an instrument relating to the establishment that the head teacher or principal must be a member of a particular religious order;
 - (b) a requirement of an instrument relating to the college or institution that the holder of the position must be a woman;
 - (c) an Act or instrument in accordance with which the professorship is a canon professorship or one to which a canonry is annexed.
- (4) Sub-paragraph (3)(b) does not apply to an instrument taking effect on or after 16 January 1990 (the day on which section 5(3) of the Employment Act 1989 came into force).
- (5) A Minister of the Crown may by order provide that anything in sub-paragraphs (1) to (3) does not have effect in relation to—
- (a) a specified educational establishment or university;
 - (b) a specified description of educational establishments.
- (6) An educational establishment is—
- (a) a school within the meaning of the Education Act 1996 or the Education (Scotland) Act 1980;
 - (b) a college, or institution in the nature of a college, in a university;
 - (c) an institution designated by order made, or having effect as if made, under section 129 of the Education Reform Act 1988;
 - [^{F1}(ca) a registered higher education provider of a description prescribed by regulations made for the purposes of section 39(1) of the Higher Education and Research Act 2017;]
 - (d) a college of further education within the meaning of section 36 of the Further and Higher Education (Scotland) Act 1992;
 - (e) a university in Scotland;
 - (f) an institution designated by order under section 28 of the Further and Higher Education Act 1992 or section 44 of the Further and Higher Education (Scotland) Act 1992.
- (7) This paragraph does not affect paragraph 2 of Schedule 9.

Textual Amendments

- F1** Sch. 22 para. 3(6)(ca) inserted (1.8.2019) by [The Higher Education and Research Act 2017 \(Further Implementation etc.\) Regulations 2019 \(S.I. 2019/1027\)](#), regs. 1, 12

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Commencement Information

- I3** Sch. 22 para. 3 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with **art. 15**); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, **art. 3(f)**

- 4 A person does not contravene this Act only by doing anything which is permitted for the purposes of—
- (a) section 58(6) or (7) of the School Standards and Framework Act 1998 (dismissal of teachers because of failure to give religious education efficiently);
 - (b) section 60(4) and (5) of that Act (religious considerations relating to certain appointments);
 - (c) section 124A of that Act (preference for certain teachers at independent schools of a religious character).
- [^{F2}(d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character).]

Textual Amendments

- F2** Sch. 22 para. 4(d) inserted (1.2.2012) by Education Act 2011 (c. 21), **s. 62(4)(c)**; S.I. 2012/84, **art. 3**

Commencement Information

- I4** Sch. 22 para. 4 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with **art. 15**); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, **art. 3(f)**

Crown employment, etc.

- 5 (1) A person does not contravene this Act—
- (a) by making or continuing in force rules mentioned in sub-paragraph (2);
 - (b) by publishing, displaying or implementing such rules;
 - (c) by publishing the gist of such rules.
- (2) The rules are rules restricting to persons of particular birth, nationality, descent or residence—
- (a) employment in the service of the Crown;
 - (b) employment by a prescribed public body;
 - (c) holding a public office (within the meaning of section 50).
- (3) The power to make regulations for the purpose of sub-paragraph (2)(b) is exercisable by the Minister for the Civil Service.
- (4) In this paragraph “public body” means a body (whether corporate or unincorporated) exercising public functions (within the meaning given by section 31(4)).

Commencement Information

- I5** Sch. 22 para. 5 wholly in force at 1.10.2012; Sch. 22 not in force at Royal Assent see s. 216; Sch. 22 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, **art. 2(14)(d)** (with **art. 15**); Sch. 22 in force for remaining purposes at 1.10.2012 by S.I. 2012/1569, **art. 3(f)**

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