

SCHEDULES

SCHEDULE 9

WORK: EXCEPTIONS

PART 1

OCCUPATIONAL REQUIREMENTS

Religious requirements relating to sex, marriage etc., sexual orientation

- 2 (1) A person (A) does not contravene a provision mentioned in sub-paragraph (2) by applying in relation to employment a requirement to which sub-paragraph (4) applies if A shows that—
- (a) the employment is for the purposes of an organised religion,
 - (b) the application of the requirement engages the compliance or non-conflict principle, and
 - (c) the person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).
- (2) The provisions are—
- (a) section 39(1)(a) or (c) or (2)(b) or (c);
 - (b) section 49(3)(a) or (c) or (6)(b) or (c);
 - (c) section 50(3)(a) or (c) or (6)(b) or (c);
 - (d) section 51(1).
- (3) A person does not contravene section 53(1) or (2)(a) or (b) by applying in relation to a relevant qualification (within the meaning of that section) a requirement to which sub-paragraph (4) applies if the person shows that—
- (a) the qualification is for the purposes of employment mentioned in sub-paragraph (1)(a), and
 - (b) the application of the requirement engages the compliance or non-conflict principle.
- (4) This sub-paragraph applies to—
- (a) a requirement to be of a particular sex;
 - (b) a requirement not to be a transsexual person;
 - (c) a requirement not to be married or a civil partner;
 - (d) a requirement not to be married to, or the civil partner of, a person who has a living former spouse or civil partner;
 - (e) a requirement relating to circumstances in which a marriage or civil partnership came to an end;
 - (f) a requirement related to sexual orientation.

Status: This is the original version (as it was originally enacted).

- (5) The application of a requirement engages the compliance principle if the requirement is applied so as to comply with the doctrines of the religion.
- (6) The application of a requirement engages the non-conflict principle if, because of the nature or context of the employment, the requirement is applied so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.
- (7) A reference to employment includes a reference to an appointment to a personal or public office.
- (8) In the case of a requirement within sub-paragraph (4)(a), sub-paragraph (1) has effect as if in paragraph (c) the words from “(or” to the end were omitted.