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**Changes to legislation:** Equality Act 2010, Paragraph 5 is up to date with all changes known to be in force on or before 24 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

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## SCHEDULES

### SCHEDULE 9 **E+W+S**

#### WORK: EXCEPTIONS

#### **PART 1 E+W+S**

#### OCCUPATIONAL REQUIREMENTS

##### *Employment services*

- 5 (1) A person (A) does not contravene section 55(1) or (2) [<sup>F1</sup>or section 60A(1)] if A shows that A's treatment of another person relates only to work the offer of which could be refused to that other person in reliance on paragraph 1, 2, 3 or 4.
- (2) A person (A) does not contravene section 55(1) or (2) [<sup>F2</sup>or section 60A(1)] if A shows that A's treatment of another person relates only to training for work of a description mentioned in sub-paragraph (1).
- (3) A person (A) does not contravene section 55(1) or (2) [<sup>F3</sup>or section 60A(1)] if A shows that—
- (a) A acted in reliance on a statement made to A by a person with the power to offer the work in question to the effect that, by virtue of sub-paragraph (1) or (2), A's action would be lawful, and
  - (b) it was reasonable for A to rely on the statement.
- (4) A person commits an offence by knowingly or recklessly making a statement such as is mentioned in sub-paragraph (3)(a) which in a material respect is false or misleading.
- (5) A person guilty of an offence under sub-paragraph (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Textual Amendments**

- F1** Words in Sch. 9 para. 5(1) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **4(6)(d)**
- F2** Words in Sch. 9 para. 5(2) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **4(6)(d)**
- F3** Words in Sch. 9 para. 5(3) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **4(6)(d)**

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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](#)