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**Changes to legislation:** Equality Act 2010, Cross Heading: General 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

##### *General*

- 1 (1) A person (A) does not contravene a provision mentioned in sub-paragraph (2) by applying in relation to work a requirement to have a particular protected characteristic, if A shows that, having regard to the nature or context of the work—
- (a) it is an occupational requirement,
  - (b) the application of the requirement is a proportionate means of achieving a legitimate aim, 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 41(1)(b);
  - (c) section 44(1)(a) or (c) or (2)(b) or (c);
  - (d) section 45(1)(a) or (c) or (2)(b) or (c);
  - (e) section 49(3)(a) or (c) or (6)(b) or (c);
  - (f) section 50(3)(a) or (c) or (6)(b) or (c);
  - (g) section 51(1);
  - <sup>[F1]</sup>(h) section 60A(1).]
- (3) The references in sub-paragraph (1) to a requirement to have a protected characteristic are to be read—
- (a) in the case of gender reassignment, as references to a requirement not to be a transsexual person (and section 7(3) is accordingly to be ignored);
  - (b) in the case of marriage and civil partnership, as references to a requirement not to be married or a civil partner (and section 8(2) is accordingly to be ignored).
- (4) In the case of a requirement to be of a particular sex, sub-paragraph (1) has effect as if in paragraph (c), the words from “(or” to the end were omitted.

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#### Textual Amendments

- F1** Sch. 9 para. 1(2)(h) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **4(6)(a)**

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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](#)