



# Equality Act 2010

## 2010 CHAPTER 15

### PART 11 **E+W+S**

#### ADVANCEMENT OF EQUALITY

### CHAPTER 2 **E+W+S**

#### POSITIVE ACTION

#### **158 Positive action: general **E+W+S****

- (1) This section applies if a person (P) reasonably thinks that—
  - (a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic,
  - (b) persons who share a protected characteristic have needs that are different from the needs of persons who do not share it, or
  - (c) participation in an activity by persons who share a protected characteristic is disproportionately low.
- (2) This Act does not prohibit P from taking any action which is a proportionate means of achieving the aim of—
  - (a) enabling or encouraging persons who share the protected characteristic to overcome or minimise that disadvantage,
  - (b) meeting those needs, or
  - (c) enabling or encouraging persons who share the protected characteristic to participate in that activity.
- (3) Regulations may specify action, or descriptions of action, to which subsection (2) does not apply.
- (4) This section does not apply to—
  - (a) action within section 159(3), or
  - (b) anything that is permitted by virtue of section 104.

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**Changes to legislation:** Equality Act 2010, Section 158 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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- (5) If section 104(7) is repealed by virtue of section 105, this section will not apply to anything that would have been so permitted but for the repeal.
- (6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

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**Modifications etc. (not altering text)**

- C1** S. 158 excluded (S.) (29.5.2020) by [Gender Representation on Public Boards \(Scotland\) Act 2018 \(asp 4\)](#), [ss. 11\(1\), 13](#); [S.S.I. 2020/119](#), reg. 2

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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](#)