



Equality Act 2010

2010 CHAPTER 15

PART 14

GENERAL EXCEPTIONS

193 Charities

- (1) A person does not contravene this Act only by restricting the provision of benefits to persons who share a protected characteristic if—
 - (a) the person acts in pursuance of a charitable instrument, and
 - (b) the provision of the benefits is within subsection (2).
- (2) The provision of benefits is within this subsection if it is—
 - (a) a proportionate means of achieving a legitimate aim, or
 - (b) for the purpose of preventing or compensating for a disadvantage linked to the protected characteristic.
- (3) It is not a contravention of this Act for—
 - (a) a person who provides supported employment to treat persons who have the same disability or a disability of a prescribed description more favourably than those who do not have that disability or a disability of such a description in providing such employment;
 - (b) a Minister of the Crown to agree to arrangements for the provision of supported employment which will, or may, have that effect.
- (4) If a charitable instrument enables the provision of benefits to persons of a class defined by reference to colour, it has effect for all purposes as if it enabled the provision of such benefits—
 - (a) to persons of the class which results if the reference to colour is ignored, or
 - (b) if the original class is defined by reference only to colour, to persons generally.
- (5) It is not a contravention of this Act for a charity to require members, or persons wishing to become members, to make a statement which asserts or implies membership or acceptance of a religion or belief; and for this purpose restricting the access by

Status: This is the original version (as it was originally enacted).

members to a benefit, facility or service to those who make such a statement is to be treated as imposing such a requirement.

- (6) Subsection (5) applies only if—
- (a) the charity, or an organisation of which it is part, first imposed such a requirement before 18 May 2005, and
 - (b) the charity or organisation has not ceased since that date to impose such a requirement.
- (7) It is not a contravention of section 29 for a person, in relation to an activity which is carried on for the purpose of promoting or supporting a charity, to restrict participation in the activity to persons of one sex.
- (8) A charity regulator does not contravene this Act only by exercising a function in relation to a charity in a manner which the regulator thinks is expedient in the interests of the charity, having regard to the charitable instrument.
- (9) Subsection (1) does not apply to a contravention of—
- (a) section 39;
 - (b) section 40;
 - (c) section 41;
 - (d) section 55, so far as relating to the provision of vocational training.
- (10) Subsection (9) does not apply in relation to disability.