



# Equality Act 2010

## 2010 CHAPTER 15

### PART 5

#### WORK

#### CHAPTER 1

##### EMPLOYMENT, ETC.

##### *Office-holders*

### **50 Public offices: appointments, etc.**

- (1) This section and section 51 apply in relation to public offices.
- (2) A public office is—
  - (a) an office or post, appointment to which is made by a member of the executive;
  - (b) an office or post, appointment to which is made on the recommendation of, or subject to the approval of, a member of the executive;
  - (c) an office or post, appointment to which is made on the recommendation of, or subject to the approval of, the House of Commons, the House of Lords, the National Assembly for Wales or the Scottish Parliament.
  - <sup>[F1]</sup>(d) an office or post, appointment to which is made by the Lord Chief Justice or the Senior President of Tribunals.]
- (3) A person (A) who has the power to make an appointment to a public office within subsection (2)(a) <sup>[F2]</sup>, (b) or (d)] must not discriminate against a person (B)—
  - (a) in the arrangements A makes for deciding to whom to offer the appointment;
  - (b) as to the terms on which A offers B the appointment;
  - (c) by not offering B the appointment.

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*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: Equality Act 2010, Section 50 is up to date with all changes known to be in force on or before 25 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)*

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- (4) A person who has the power to make an appointment to a public office within subsection (2)(a) [F<sup>2</sup>, (b) or (d)] must not, in relation to the office, harass a person seeking, or being considered for, the appointment.
- (5) A person (A) who has the power to make an appointment to a public office within subsection (2)(a) [F<sup>2</sup>, (b) or (d)] must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer the appointment;
  - (b) as to the terms on which A offers B the appointment;
  - (c) by not offering B the appointment.
- (6) A person (A) who is a relevant person in relation to a public office within subsection (2)(a) [F<sup>2</sup>, (b) or (d)] must not discriminate against a person (B) appointed to the office—
- (a) as to B's terms of appointment;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
  - (c) by terminating the appointment;
  - (d) by subjecting B to any other detriment.
- (7) A person (A) who is a relevant person in relation to a public office within subsection (2)(c) must not discriminate against a person (B) appointed to the office—
- (a) as to B's terms of appointment;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
  - (c) by subjecting B to any other detriment (other than by terminating the appointment).
- (8) A relevant person in relation to a public office must not, in relation to that office, harass a person appointed to it.
- (9) A person (A) who is a relevant person in relation to a public office within subsection (2)(a) [F<sup>3</sup>, (b) or (d)] must not victimise a person (B) appointed to the office—
- (a) as to B's terms of appointment;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
  - (c) by terminating the appointment;
  - (d) by subjecting B to any other detriment.
- (10) A person (A) who is a relevant person in relation to a public office within subsection (2)(c) must not victimise a person (B) appointed to the office—
- (a) as to B's terms of appointment;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
  - (c) by subjecting B to any other detriment (other than by terminating the appointment).
- (11) A duty to make reasonable adjustments applies to—

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- (a) a relevant person in relation to a public office;
  - (b) a person who has the power to make an appointment to a public office within subsection (2)(a) [<sup>F4</sup>, (b) or (d)].
- (12) Subsection (3)(b), so far as relating to sex or pregnancy and maternity, does not apply to a term that relates to pay—
- (a) unless, were B to accept the offer, an equality clause or rule would have effect in relation to the term, or
  - (b) if paragraph (a) does not apply, except in so far as making an offer on terms including that term amounts to a contravention of subsection (3)(b) by virtue of section 13, 14 or 18.

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#### Textual Amendments

- F1** S. 50(2)(d) inserted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 50\(2\)](#); [S.I. 2013/2200](#), art. 3(e) (with savings in [S.I. 2013/2192](#), regs. 48, 49)
- F2** Words in s. 50(3)-(6) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 50\(3\)](#); [S.I. 2013/2200](#), art. 3(e) (with savings in [S.I. 2013/2192](#), regs. 48, 49)
- F3** Words in s. 50(9) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 50\(3\)](#); [S.I. 2013/2200](#), art. 3(e) (with savings in [S.I. 2013/2192](#), regs. 48, 49)
- F4** Words in s. 50(11)(b) substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 50\(3\)](#); [S.I. 2013/2200](#), art. 3(e) (with savings in [S.I. 2013/2192](#), regs. 48, 49)

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