SCHEDULE 1   Regulation 8

Discrimination by public authorities: exceptions

Regulation 8(3)(a)

PART 1

Bodies to which regulation 8 does not apply

1. The House of Commons.

2. The House of Lords.

3. The authorities of either House of Parliament.

4. The Security Service.

5. The Secret Intelligence Service.

6. The Government Communications Headquarters.

7. A part of the armed forces of the Crown which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters.

Regulation 8(3)(b)

PART 2

Functions and actions to which regulation 8 does not apply

1. The exercise of a judicial function (whether in connection with a court or a tribunal).

2. Anything done on behalf of or on the instructions of a person exercising a judicial function (whether in connection with a court or tribunal).

3. Preparing, passing (or making), confirming, approving or considering an enactment (including legislation made by or by virtue of a Measure of the General Synod of the Church of England).

4. The making of an instrument by a Minister of the Crown under an enactment.

5. The making of an instrument by the Scottish Ministers or a member of the Scottish Executive under an enactment.

6. A decision not to institute or continue criminal proceedings (and anything done for the purpose of reaching, or in pursuance of, such a decision).

7. Action which—

    (a) is unlawful by virtue of another provision of these Regulations, or

    (b) would be unlawful by virtue of another provision of these Regulations other than regulation 4, but for an express exception.

8. Action which—

    (a) is unlawful by virtue of a provision of the Employment Equality (Sexual Orientation) Regulations 2003(**1**), or

    (b) would be unlawful by virtue of a provision of those Regulations but for an express exception.

(**1**) S.I. 2003/1661.