
STATUTORY INSTRUMENTS

2003 No. 1661

The Employment Equality (Sexual
Orientation) Regulations 2003

PART II

DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING

Institutions of further and higher education

20.—(1) It is unlawful, in relation to an educational establishment to which this regulation applies, for the governing body of that establishment to discriminate against a person—

- (a) in the terms on which it offers to admit him to the establishment as a student;
- (b) by refusing or deliberately not accepting an application for his admission to the establishment as a student; or
- (c) where he is a student of the establishment—
 - (i) in the way it affords him access to any benefits,
 - (ii) by refusing or deliberately not affording him access to them, or
 - (iii) by excluding him from the establishment or subjecting him to any other detriment.

(2) It is unlawful, in relation to an educational establishment to which this regulation applies, for the governing body of that establishment to subject to harassment a person who is a student at the establishment, or who has applied for admission to the establishment as a student.

(3) Paragraph (1) does not apply if the discrimination only concerns training which would help fit a person for employment which, by virtue of regulation 7 (exception for genuine occupational requirement etc), the employer could lawfully refuse to offer the person in question.

(4) This regulation applies to the following educational establishments in England and Wales, namely—

- (a) an institution within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992⁽¹⁾);
- (b) a university;
- (c) an institution, other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

(5) This regulation applies to the following educational establishments in Scotland, namely—

- (a) a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992⁽²⁾ under the management of a board of management within the meaning of Part I of that Act;

(1) 1992 c. 13.

(2) 1992 c. 37.

- (b) a college of further education maintained by an education authority in the exercise of its further education functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of the Education (Scotland) Act 1980(3);
 - (c) any other educational establishment (not being a school) which provides further education within the meaning of section 1 of the Further and Higher Education (Scotland) Act 1992;
 - (d) an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992);
 - (e) a central institution (within the meaning of section 135 of the Education (Scotland) Act 1980).
- (6) In this regulation—
- “education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
- “governing body” includes—
- (a) the board of management of a college referred to in paragraph (5)(a), and
 - (b) the managers of a college or institution referred to in paragraph (5)(b) or (e);
- “student” means any person who receives education at an educational establishment to which this regulation applies; and
- “university” includes a university college and the college, school or hall of a university.