
STATUTORY INSTRUMENTS

2007 No. 1263

The Equality Act (Sexual Orientation) Regulations 2007

Validity and revision of contracts

26.—(1) A term of a contract is void where—

- (a) its inclusion renders the making of the contract unlawful by virtue of these Regulations,
- (b) it is included in furtherance of an act which would be unlawful by virtue of these Regulations, or
- (c) it provides for the doing of an act which would be unlawful by virtue of these Regulations.

(2) Paragraph (1) does not apply to a term whose inclusion constitutes, furthers or provides for unlawful discrimination against a party to the contract; but that term shall be unenforceable against that party.

(3) A term in a contract which purports to exclude or limit a provision of these Regulations is unenforceable by a person in whose favour the term would operate apart from this paragraph.

(4) Paragraph (3) does not apply to a contract settling a claim under regulation 20.

(5) On the application of a person interested in a contract to which paragraph (1) applies, a county court or sheriff court may make an order removing or modifying a term made unenforceable by that paragraph, but an order shall not be made unless all persons affected—

- (a) have been given notice of the application (except where notice is dispensed with in accordance with rules of court), and
- (b) have been afforded an opportunity to make representations to the court.

(6) An order under paragraph (5) may include provision in respect of a period before the making of the order.