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*Status: Point in time view as at 01/01/2006.*

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## STATUTORY INSTRUMENTS

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# 1976 No. 1042

## Sex Discrimination (Northern Ireland) Order 1976

### PART III

#### [<sup>F1</sup>EMPLOYMENT FIELD]

*[<sup>F1</sup>Discrimination against office holders etc.*

#### [<sup>F1</sup>Office holders

**13B.**—(1) It is unlawful for a relevant person, in relation to an appointment to an office or post to which this Article applies, to discriminate against a woman—

- (a) in the arrangements which he makes for the purpose of determining to whom the appointment should be offered,
- (b) in the terms on which he offers her the appointment, or
- (c) by refusing to offer her the appointment.

(2) It is unlawful, in relation to an appointment to an office or post to which this Article applies and which is an office or post referred to in Article 13A(1)(c), for a relevant person on whose recommendation, or subject to whose approval, appointments to the office or post are made, to discriminate against a woman—

- (a) in the arrangements which he makes for the purpose of determining who should be recommended or approved in relation to the appointment, or
- (b) in making or refusing to make a recommendation, or giving or refusing to give an approval, in relation to the appointment.

(3) It is unlawful for a relevant person, in relation to a woman who has been appointed to an office or post to which this Article applies, to discriminate against her—

- (a) in the terms of the appointment,
- (b) in the opportunities which he affords her for promotion, a transfer, training or receiving any other benefit, or by refusing to afford her any such opportunity,
- (c) by terminating the appointment, or
- (d) by subjecting her to any other detriment in relation to the appointment.

(4) It is unlawful for a relevant person, in relation to an office or post to which this Article applies, to subject to harassment a woman—

- (a) who has been appointed to the office or post,
- (b) who is seeking or being considered for appointment to the office or post, or
- (c) who, in relation to appointment to the office or post, is seeking or being considered for a recommendation or approval referred to in Article 13A(1)(c).

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(5) Paragraphs (1) and (3) do not apply to any act in relation to an office or post where, if holding the office or post constituted employment, that act would be lawful by virtue of Article 10 (Exception where sex is a genuine occupational qualification), 10A (Corresponding exception relating to gender reassignment), 10B (Supplementary exceptions relating to gender reassignment) or Article 21 (Ministers of religion etc.).

(6) Paragraph (2) does not apply to any act in relation to an office or post where, if holding the office or post constituted employment, it would be lawful by virtue of Article 10, 10A, 10B or 21 to refuse to offer the person such employment.

(7) Paragraph (3) does not apply to benefits of any description if the relevant person is concerned with the provision (for payment or not) of benefits of that description to the public, or a section of the public to which the person appointed belongs, unless—

- (a) that provision differs in a material respect from the provision of the benefits to persons appointed to offices or posts which are the same as, or not materially different from, that which the person appointed holds,
- (b) the provision of the benefits to the person appointed is regulated by the terms and conditions of her appointment, or
- (c) the benefits relate to training.

(8) In paragraph (3)(c), the reference to the termination of the appointment includes a reference—

- (a) to the termination of the appointment by the expiration of any period (including a period expiring by reference to an event or circumstance), not being a termination immediately after which the appointment is renewed on the same terms and conditions, and
- (b) to the termination of the appointment by any act of the person appointed (including the giving of notice) in circumstances such that she is entitled to terminate the appointment without notice by reason of the conduct of the relevant person.

(9) In this Article “relevant person”, in relation to an office or post, means—

- (a) in a case relating to an appointment to an office or post, the person with power to make that appointment;
- (b) in a case relating to the making of a recommendation or the giving of an approval in relation to an appointment, a person or body referred to in section 13A(1)(b) with power to make that recommendation or (as the case may be) to give that approval;
- (c) in a case relating to a term of an appointment, the person with power to determine that term;
- (d) in a case relating to a working condition afforded in relation to an appointment—
  - (i) the person with power to determine that working condition, or
  - (ii) where there is no such person, the person with power to make the appointment;
- (e) in a case relating to the termination of an appointment, the person with power to terminate the appointment;
- (f) in a case relating to the subjection of a person to any other detriment or to harassment, any person or body falling within one or more of sub#paragraphs (a) to (e) in relation to such cases as are there mentioned.

(10) In paragraph 9(d) “working condition” includes any opportunity for promotion, a transfer, training or receiving any other benefit.

(11) In this Article—

- (a) references to “making a recommendation” include references to making a negative recommendation;
- (b) references to “refusal” include references to deliberate omission;

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(c) “benefits” includes facilities and services]

**F1** SR 2005/426

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