



Sex Discrimination Act 1975 (repealed)

1975 CHAPTER 65

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Discrimination by other bodies

11 Partnerships.

- (1) It is unlawful for a firm . . . ^{F1}, in relation to a position as partner in the firm, to discriminate against a woman—
 - (a) in the arrangements they make for the purpose of determining who should be offered that position, or
 - (b) in the terms on which they offer her that position, or
 - (c) by refusing or deliberately omitting to offer her that position, or
 - (d) in a case where the woman already holds that position—
 - (i) in the way they afford her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (ii) by expelling her from that position, or subjecting her to any other detriment.
- (2) Subsection (1) shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.
- (3) Subsection (1)(a) and (c) do not apply to a position as partner where, if it were employment, being a man would be a genuine occupational qualification for the job.
- (4) Subsection (1)(b) and (d) do not apply to provision made in relation to death or retirement [^{F2}except in so far as, in their application to provision made in relation to retirement, they render it unlawful for a firm to discriminate against a woman—
 - (a) in such of the terms on which they offer her a position as partner as provide for her expulsion from that position; or

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- (b) by expelling her from a position as partner or subjecting her to any detriment which results in her expulsion from such a position.]
- (5) In the case of a limited partnership references in subsection (1) to a partner shall be construed as references to a general partner as defined in section 3 of the ^{M1}Limited Partnerships Act 1907.

Textual Amendments

- F1** Words repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), ss. 1(3), 9, **Sch. Pt. II**
- F2** Words inserted by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 2(2)

Marginal Citations

- M1** 1907 c. 24.

VALID FROM 01/10/2005

12 Trade unions etc.

- (1) This section applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.
- (2) It is unlawful for an organisation to which this section applies, in the case of a woman who is not a member of the organisation, to discriminate against her—
- (a) in the terms on which it is prepared to admit her to membership, or
 - (b) by refusing, or deliberately omitting to accept, her application for membership.
- (3) It is unlawful for an organisation to which this section applies, in the case of a woman who is a member of the organisation, to discriminate against her—
- (a) in the way it affords her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (b) by depriving her of membership, or varying the terms on which she is a member, or
 - (c) by subjecting her to any other detriment.
- [^{F3}(3A) It is unlawful for an organisation to which this section applies, in relation to membership of that organisation, to subject to harassment a woman who—
- (a) is a member of the organisation, or
 - (b) has applied for membership of the organisation.]
- (4) ^{F4}

Textual Amendments

- F3** S. 12(3A) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 15(2)**
- F4** S. 12(4) omitted (1.10.2005) by virtue of [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 15(3)**

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13 Qualifying bodies.

- (1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a woman—
 - (a) in the terms on which it is prepared to confer on her that authorisation or qualification, or
 - (b) by refusing or deliberately omitting to grant her application for it, or
 - (c) by withdrawing it from her or varying the terms on which she holds it.
- (2) Where an authority or body is required by law to satisfy itself as to his good character before conferring on a person an authorisation or qualification which is needed for, or facilitates, his engagement in any profession or trade then, without prejudice to any other duty to which it is subject, that requirement shall be taken to impose on the authority or body a duty to have regard to any evidence tending to show that he, or any of his employees, or agents (whether past or present), has practised unlawful discrimination in, or in connection with, the carrying on of any profession or trade.
- (3) In this section—
 - (a) “authorisation or qualification” includes recognition, registration, enrolment, approval and certification,
 - (b) “confer” includes renew or extend.
- (4) Subsection (1) does not apply to discrimination which is rendered unlawful by section 22 or 23.

14 Persons concerned with provision of vocational training.

- (1) It is unlawful, in the case of a woman seeking or undergoing training which would help fit her for any employment, for any person who provides, or makes arrangements for the provision of, facilities for such training to discriminate against her—
 - (a) in the terms on which that person affords her access to any training course or other facilities concerned with such training, or
 - (b) by refusing or deliberately omitting to afford her such access, or
 - (c) by terminating her training, or
 - (d) by subjecting her to any detriment during the course of her training.
- (2) Subsection (1) does not apply to—
 - (a) discrimination which is rendered unlawful by section 6(1) or (2) or section 22 or 23, or
 - (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Act.

15 Employment agencies.

- (1) It is unlawful for an employment agency to discriminate against a woman—
 - (a) in the terms on which the agency offers to provide any of its services, or
 - (b) by refusing or deliberately omitting to provide any of its services, or
 - (c) in the way it provides any of its services.
- ^[F5](2) It is unlawful for a local education authority or education authority or any other person to do any act in providing services in pursuance of arrangements made, or a direction

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given, under section 10 of the ^{M2}Employment and Training Act 1973 which constitutes discrimination.]

- (3) References in subsection (1) to the services of an employment agency include guidance on careers and any other services related to employment.
- (4) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the woman.
- (5) An employment agency or local education authority [^{F6}, education authority or other person] shall not be subject to any liability under this section if it proves—
 - (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of subsection (4), its action would not be unlawful, and
 - (b) that it was reasonable for it to rely on the statement.
- (6) A person who knowingly or recklessly makes a statement such as is referred to in subsection (5)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding [^{F7}level 5 on the standard scale].

Textual Amendments

- F5** S. 15(2) substituted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 8(a)**; S.I. 1993/2503, art. 2(3), **Sch.3**
- F6** Words in s. 15(5) substituted (1.4.1994 in relation to England and Scotland . and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 8(b)**; S.I. 1993/2503, art. 2(3), **Sch.3**
- F7** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, **ss. 38, 46** and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)**, **ss. 289F, 289G**

Marginal Citations

- M2** 1973 c. 50.

16 Manpower Services Commission etc.

[^{F8}(1) It is unlawful for the [^{F9}Secretary of State . . . ^{F10}]to discriminate in the provision of facilities or services under section 2 of the Employment and Training Act 1973.]

[^{F11}(1A) It is unlawful for Scottish Enterprise or Highlands and Islands Enterprise to discriminate in the provision of facilities or services under such arrangements as are mentioned in section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (arrangements analogous to arrangements in pursuance of section 2 of the said Act of 1973).]

- (2) This section does not apply in a case where—
 - (a) section 14 applies, or
 - (b) the [^{F12}Secretary of State]is acting as an employment agency.

Textual Amendments

- F8** S. 16(1) substituted by **Employment and Training Act 1981 (c. 57, SIF 43:1)**, s. 9, **Sch. 2 para. 18**
- F9** Words substituted by **Employment Act 1988 (c. 19, SIF 43:5)**, s. 33, **Sch. 3 Pt. II para. 11(2)**
- F10** Words repealed by **Employment Act 1989 (c. 38, SIF 43:1)**, s. 29(4), **Sch. 7 Pt. I**

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- F11** S. 16(1A) inserted (S.) (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), [s. 8](#)
- F12** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\)](#), s. 29(3), [Sch. 6 para. 12](#)

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