



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART II

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

#### *Relationships which have come to an end*

#### [<sup>F1</sup> <sup>F2</sup>20A] **Relationships which have come to an end**

- (1) This section applies where—
  - (a) there has been a relevant relationship between a woman and another person (“the relevant person”), and
  - (b) the relationship has come to an end (whether before or after the commencement of this section).
- (2) In this section, a “relevant relationship” is a relationship during the course of which an act of discrimination by one party to the relationship against the other party to it is unlawful under any preceding provision of this Part.
- (3) It is unlawful for the relevant person to discriminate against the woman by subjecting her to a detriment where the discrimination arises out of and is closely connected to the relevant relationship.

[ It is unlawful for the relevant person to subject a woman to harassment where that  
<sup>F3</sup>(4) treatment arises out of or is closely connected to the relevant relationship. ]]

#### Textual Amendments

- F1** S. 20A and cross-heading inserted (19.7.2003) by [The Sex Discrimination Act 1975 \(Amendment\) Regulations 2003 \(S.I. 2003/1657\)](#), [reg. 3](#)
- F2** S. 20A and cross-heading inserted (19.7.2003) by [The Sex Discrimination Act 1975 \(Amendment\) Regulations 2003 \(S.I. 2003/1657\)](#), [reg. 3](#)

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Cross Heading: Relationships which have come to an end. (See end of Document for details)*

**F3** S. 20A(4) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 21**

**<sup>x1</sup>21 Mineworkers.**

<sup>F4</sup>(1) . . . . .

<sup>F5</sup>(2) . . . . .]

**Editorial Information**

**X1** The insertion of the new cross-heading "Relationships which have come to an end" on 19.7.2003 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

**Textual Amendments**

**F1** S. 20A and cross-heading inserted (19.7.2003) by [The Sex Discrimination Act 1975 \(Amendment\) Regulations 2003 \(S.I. 2003/1657\)](#), **reg. 3**

**F4** S. 21(1) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. III**

**F5** S. 21(2) repealed (20.11.1993) by [Coal Industry Act 1992 \(c. 17\)](#), s. 3(3), **Sch. Pt.II**; S.I. 1993/2514, **art.2.**

**[<sup>F6</sup>21A Public authorities**

(1) It is unlawful for a public authority exercising a function to do any act which constitutes—

- (a) discrimination, or
- (b) harassment within the meaning of section 4A(1) and (2), (5) and (6).

(2) In subsection (1)—

- (a) “public authority” includes any person who has functions of a public nature (subject to subsections (3) and (4)), and
- (b) “function” means function of a public nature.

(3) The prohibition in subsection (1) shall not apply to—

- (a) the House of Commons,
- (b) the House of Lords,
- (c) the Security Service,
- (d) the Secret Intelligence Service,
- (e) the Government Communications Headquarters, or
- (f) 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.

(4) The prohibition in subsection (1) shall not apply to the functions and actions listed in the Table of Exceptions in subsection (9) (but nothing in that Table permits anything which is prohibited by virtue of any Community law relating to discrimination).

(5) The Secretary of State may by order amend the Table of Exceptions.

(6) In an action under section 66 in respect of a contravention of this section—

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- (a) the court shall not grant an injunction or interdict unless satisfied that it will not prejudice criminal proceedings or a criminal investigation, and
  - (b) the court shall grant any application to stay or sist the section 66 proceedings on the grounds of prejudice to criminal proceedings or to a criminal investigation, unless satisfied that the proceedings or investigation will not be prejudiced.
- (7) Section 74(2)(b) shall not apply in relation to a respondent's reply, or a failure to reply, to a question in connection with an alleged contravention of this section—
- (a) if the respondent reasonably asserts that to have replied differently or at all might have prejudiced criminal proceedings or a criminal investigation,
  - (b) if the respondent reasonably asserts that to have replied differently or at all would have revealed the reason for not instituting or not continuing criminal proceedings,
  - (c) where the reply is of a kind specified for the purposes of this paragraph by order of the Secretary of State,
  - (d) where the reply is given in circumstances specified for the purposes of this paragraph by order of the Secretary of State, or
  - (e) where the failure occurs in circumstances specified for the purposes of this paragraph by order of the Secretary of State.
- (8) In this section “criminal investigation” means—
- (a) an investigation into the commission of an alleged offence, and
  - (b) a decision whether to institute criminal proceedings.
- (9) The following is the Table of Exceptions referred to in subsection (4).

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	<i>Legislation</i>
1	Preparing, making, or considering— <ul style="list-style-type: none"><li>(a) an Act of Parliament,</li><li>(b) a Bill for an Act of Parliament,</li><li>(c) an Act of the Scottish Parliament,</li></ul> or <ul style="list-style-type: none"><li>(d) a Bill for an Act of the Scottish Parliament.</li></ul>
2	Preparing, making, confirming, approving, or considering legislation made or to be made— <ul style="list-style-type: none"><li>(a) by a Minister of the Crown,</li><li>(b) by Order in Council,</li><li>(c) by the Scottish Ministers or any member of the Scottish Executive,</li><li>(d) by the National Assembly for Wales, or</li><li>(e) by or by virtue of a Measure of the General Synod of the Church of England.</li></ul>
3	Action which is necessary, or in so far as it is necessary, for the purpose of complying with— <ul style="list-style-type: none"><li>(a) an Act of Parliament,</li></ul>

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- (b) an Act of the Scottish Parliament,  
or
- (c) legislation of a kind described in  
Item 2.

*The courts, &c.*

- 4 A judicial function (whether in  
connection with a court or a tribunal).
- 5 Anything done on behalf of or on the  
instructions of a person exercising a  
judicial function (whether in connection  
with a court or a tribunal).
- 6 A decision not to institute or continue  
criminal proceedings.
- 7 Anything done for the purpose of  
reaching, or in pursuance of, a decision  
not to institute or continue criminal  
proceedings.

*Separate services, &c.*

- 8 The provision of a service for one sex  
only where only persons of that sex  
require the service.
- 9 The provision of separate services for  
each sex where a joint service would or  
might be less effective.
- 10 The provision of a service for one sex  
only where—
  - (a) the service is also provided jointly  
for both sexes, and
  - (b) if the service were provided  
only jointly it would or might be  
insufficiently effective.
- 11 The provision of a service for one sex  
only where—
  - (a) if the service were provided for  
both sexes jointly it would or  
might be less effective, and
  - (b) the extent to which the service is  
required by the other sex makes  
it not reasonably practicable to  
provide separate services for that  
sex.
- 12 The provision of separate services for  
each sex in different ways or to different  
extents where—
  - (a) if the service were provided for  
both sexes jointly it would or  
might be less effective, and

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- (b) the extent to which the service is required by one sex makes it not reasonably practicable to provide the service for that sex in the same way or to the same extent as for the other sex.
- 13 Action taken for the purpose of assisting one sex to overcome—
- (a) a disadvantage (as compared with the other sex), or
- (b) the effects of discrimination.
- Miscellaneous*
- 14 The exercise of a function of the Charity Commissioners for England and Wales or the holder of the Office of the Scottish Charity Regulator in relation to an instrument in relation to which section 43 applies.
- 15 Action which is unlawful by virtue of another provision of this Act.
- 16 Action which would be unlawful by virtue of another provision of this Act but for an express exception.]

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**Textual Amendments**

**F6** S. 21A inserted (6.4.2007) by Equality Act 2006 (c. 3), ss. **83(1)**, 93 (with s. 92); S.I. 2006/1082, **art. 4(a)**

**Status:**

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