



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART VII

#### ENFORCEMENT

##### *General*

#### [<sup>F1</sup>62 **Restriction of proceedings for breach of Act.**

- (1) Except as provided by this Act no proceedings, whether civil or criminal, shall lie against any person in respect of an act by reason that the act is unlawful by virtue of a provision of this Act.
- (2) Subsection (1) does not preclude the making of an order of certiorari, mandamus or prohibition.
- (3) In Scotland, subsection (1) does not preclude the exercise of the jurisdiction of the Court of Session to entertain an application for reduction or suspension of any order or determination, or otherwise to consider the validity of any order or determination, or to require reasons for any order or determination to be stated.]

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#### **Textual Amendments**

**F1** S. 62 substituted by [Race Relations Act 1976 \(c. 74\)](#), [Sch. 4 para. 3](#)

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#### **Modifications etc. (not altering text)**

**C1** S. 62 restricted by [Estate Agents Act 1979 \(c. 38\)](#), [ss. 5\(3\)](#), [36\(2\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part VII. (See end of Document for details)*

### *Enforcement in employment field*

#### **63 Jurisdiction of [F<sup>2</sup> employment tribunals].**

- (1) A complaint by any person (“the complainant”) that another person (“the respondent”)
- (a) has committed an act of discrimination [F<sup>3</sup> or harassment] against the complainant which is unlawful by virtue of Part II [F<sup>4</sup> or section 35A or 35B], or
  - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination [F<sup>3</sup> or harassment] against the complainant,
- may be presented to an [F<sup>5</sup> employment tribunal].
- (2) Subsection (1) does not apply to a complaint under section 13(1) of an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment.

#### **Textual Amendments**

- F2** Words in s. 63 heading substituted (1.8.1998) by 1998 c. 8, s. 1(2)(b); S.I. 1998/1658, art. 2, Sch. 1 (with art. 3)
- F3** Words in s. 63(1) inserted (1.10.2005) by The Employment Equality (Sex Discrimination) Regulations 2005 (S.I. 2005/2467), reg. 28(2)
- F4** Words in s. 63(1)(a) inserted (1.10.2005) by The Employment Equality (Sex Discrimination) Regulations 2005 (S.I. 2005/2467), reg. 28(3) (with reg. 2(1))
- F5** Words in s. 63(1) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a); S.I. 1998/1658, art. 2, Sch. 1 (with art. 3)

#### **[F<sup>6</sup> 63A Burden of proof: employment tribunals**

- (1) This section applies to any complaint presented under section 63 to an employment tribunal.
- (2) Where, on the hearing of the complaint, the complainant proves facts from which the tribunal could, apart from this section, conclude in the absence of an adequate explanation that the respondent—
- (a) has committed an act of discrimination [F<sup>7</sup> or harassment] against the complainant which is unlawful by virtue of Part 2 [F<sup>8</sup> or section 35A or 35B], or
  - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination [F<sup>7</sup> or harassment] against the complainant,
- the tribunal shall uphold the complaint unless the respondent proves that he did not commit, or, as the case may be, is not to be treated as having committed, that act.

#### **Textual Amendments**

- F6** S. 63A inserted (12.10.2001) by S.I. 2001/2660, reg. 5
- F7** Words in s. 63A(2) inserted (1.10.2005) by The Employment Equality (Sex Discrimination) Regulations 2005 (S.I. 2005/2467), reg. 29(2)

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**F8** Words in s. 63A(2)(a) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 29(3)**

**F9** **64** .....

**Textual Amendments**

**F6** S. 63A inserted (12.10.2001) by [S.I. 2001/2660](#), **reg. 5**

**F9** S. 64 repealed (22.8.1996) by [1996 c. 17](#), ss. 45, 46, **Sch. 3 Pt. I** (with s. 38)

**65 Remedies on complaint under section 63.**

(1) Where an [<sup>F10</sup>employment tribunal] finds that a complaint presented to it under section 63 is well-founded the tribunal shall make such of the following as it considers just and equitable—

- (a) makes such order under subsection (1)(a) and such recommendation under subsection (1)(c) (if any) as it would have made if it had no power to make an order under subsection (1)(b); and
- (b) (where it makes an order under subsection (1)(a) or a recommendation under subsection (1)(c) or both) considers that it is just and equitable to make an order under subsection (1)(b) as well.]
- (a) an order declaring the rights of the complainant and the respondent in relation to the act to which the complaint relates;
- (b) an order requiring the respondent to pay to the complainant compensation of an amount corresponding to any damages he could have been ordered by a county court or by a sheriff court to pay to the complainant if the complaint had fallen to be dealt with under section 66;
- (c) a recommendation that the respondent take within a specified period action appearing to the tribunal to be practicable for the purpose of obviating or reducing the adverse effect on the complainant of any act of discrimination to which the complaint relates.

[<sup>F11</sup>(1A) In applying section 66 for the purposes of subsection (1)(b), no account shall be taken of subsection (3) of that section.

(1B) As respects an unlawful act of discrimination falling within [<sup>F12</sup>section 1(2)(b)] or section 3(1)(b), if the respondent proves that the [<sup>F13</sup>provision, criterion or practice] in question was not applied with the intention of treating the complainant unfavourably on the ground of his sex [<sup>F14</sup>or (as the case may be) fulfilment of the condition in section 3(2)], an order may be made under subsection (1)(b) only if the [<sup>F10</sup>employment tribunal]—

- (a) makes such order under subsection (1)(a) and such recommendation under subsection (1)(c) (if any) as it would have made if it had no power to make an order under subsection (1)(b); and
- (b) (where it makes an order under subsection (1)(a) or a recommendation under subsection (1)(c) or both) considers that it is just and equitable to make an order under subsection (1)(b) as well.]

<sup>F15</sup>(2) .....

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- (3) If without reasonable justification the respondent to a complaint fails to comply with a recommendation made by an [F10 employment tribunal] under subsection (1)(c), then, if they think it just and equitable to do so—
- (a) the tribunal may F16 . . . increase the amount of compensation required to be paid to the complainant in respect of the complaint by an order made under subsection (1)(b), or
  - (b) if an order under subsection (1)(b) [F17 was not made], the tribunal may make such an order.

#### Textual Amendments

- F6** S. 63A inserted (12.10.2001) by S.I. 2001/2660, **reg. 5**
- F10** Words in s. 65(1)(1B)(3)(b) substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)**; S.I. 1998/1658, **art. 2, Sch. 1** (with **art. 3**)
- F11** S. 65(1A)(1B) inserted (25.3.1996) by S.I. 1996/438, **reg. 2(2)**
- F12** Words in s. 65(1B) substituted (12.10.2001) by S.I. 2001/2660, **reg. 8(3)(a)**
- F13** Words in s. 65(1B) substituted (12.10.2001) by S.I. 2001/2660, **reg. 8(3)(b)**
- F14** Words in s. 65(1B) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 251(5)**, 263; S.I. 2005/3175, **art. 2, Sch. 1**
- F15** S. 65(2) repealed (22.11.1993) by S.I. 1993/2798, **reg. 2**
- F16** Words inserted by Race Relations Act 1976 c. 74, **Sch. 4, para. 4** and repealed (22.11.1993) by S.I. 1993/2798, **reg. 1(3), Sch. para. 1**
- F17** Words in s. 65(3)(b) substituted (25.3.1996) by S.I. 1996/438, **reg. 2(3)**

#### Modifications etc. (not altering text)

- C2** S. 65 amended by **Employment Protection (Consolidation) Act 1978 (c. 44), s. 76**

### Enforcement of Part III

#### 66 Claims under Part III.

- (1) A claim by any person (“the claimant”) that another person (“the respondent”)—
- (a) has committed an act of discrimination [F18 or harassment] against the claimant which is unlawful by virtue of Part III, [F19 other than section 35A or 35B,] or
  - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination [F18 or harassment] against the claimant,
- may be made the subject of civil proceedings in like manner as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.
- (2) Proceedings under subsection (1)—
- (a) shall be brought in England and Wales only in a county court, and
  - (b) shall be brought in Scotland only in a sheriff court,
- but all such remedies shall be obtainable in such proceedings as, apart from this subsection [F20 and section 62(1)], would be obtainable in the High Court or the Court of Session, as the case may be.
- (3) As respects an unlawful act of discrimination falling within section 1(1)(b) F21 . . . no award of damages shall be made if the respondent proves that the requirement or condition in question was not applied with the intention of treating the claimant unfavourably on the ground of his sex F22 . . .

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- [<sup>F23</sup>(3A) Subsection (3) does not affect the award of damages in respect of an unlawful act of discrimination falling within section 1(2)(b).]
- (4) For the avoidance of doubt it is hereby declared that damages in respect of an unlawful act of discrimination [<sup>F24</sup>or harassment] may include compensation for injury to feelings whether or not they include compensation under any other head.
- (5) Civil proceedings in respect of a claim by any person that he has been discriminated against [<sup>F25</sup>, or subjected to harassment,] in contravention of section 22 or 23 by a body to which section 25(1) applies shall not be instituted unless the claimant has given notice of the claim to the Secretary of State and either the Secretary of State has by notice informed the claimant that the Secretary of State does not require further time to consider the matter, or the period of two months has elapsed since the claimant gave notice to the Secretary of State; but nothing in this subsection applies to a counterclaim.
- [<sup>F26</sup>(5A) In Scotland, when any proceedings are brought under this section, in addition to the service on the defender of a copy of the summons or initial writ initiating the action a copy thereof shall be sent as soon as practicable to the Commission in a manner to be prescribed by Act of Sederunt.]
- (6) For the purposes of proceedings under subsection (1)—
- (a) [<sup>F27</sup>section 63(1) (assessors) of the County Courts Act 1984] shall apply with the omission of the words “on the application of any party”, and
- (b) the remuneration of assessors appointed under the said section [<sup>F28</sup>63(1)] shall be at such rate as may be determined by the Lord Chancellor with the approval of the Minister for the Civil Service.
- (7) For the purpose of proceedings before the sheriff, provision may be made by act of sederunt for the appointment of assessors by him, and the remuneration of any assessors so appointed shall be at such rate as the Lord President of the Court of Session with the approval of [<sup>F29</sup>the Treasury] may determine.
- (8) A county court or sheriff court shall have jurisdiction to entertain proceedings under subsection (1) with respect to an act done on a ship, aircraft or hovercraft outside its district, including such an act done outside Great Britain.

#### Textual Amendments

- F18** Words in s. 66(1) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 30(2)**
- F19** Words in s. 66(1)(a) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 30(3)** (with reg. 2(1))
- F20** Words inserted by [Race Relations Act 1976 \(c. 74\)](#), **Sch. 4 para. 5(1)**
- F21** Words in s. 66(3) omitted (25.3.1996) by virtue of [S.I. 1996/438](#), **reg. 2(4)**
- F22** Words in s. 66(3) omitted (25.3.1996) by virtue of [S.I. 1996/438](#), **reg. 2(4)**
- F23** [S. 66\(3A\)](#) inserted (12.10.2001) by [S.I. 2001/2660](#), **reg. 7**
- F24** Words in s. 66(4) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 30(4)**
- F25** Words in s. 66(5) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 30(5)**
- F26** [S. 66\(5A\)](#) inserted by [Race Relations Act 1976 \(c. 74\)](#), **Sch. 4 para. 5(2)**
- F27** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), **Sch. 2 para. 55(a)**
- F28** “63(1)” substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), **Sch. 2 para. 55(b)**
- F29** Words substituted by [S.I. 1981/1670](#), **arts. 2(2), 3(5)**

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#### Modifications etc. (not altering text)

C3 S. 66(5): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### [<sup>F30</sup>66A Burden of proof: county and sheriff courts

- (1) This section applies to any claim brought under section 66(1) in a county court in England and Wales or a sheriff court in Scotland.
- (2) Where, on the hearing of the claim, the claimant proves facts from which the court could, apart from this section, conclude in the absence of an adequate explanation that the respondent—
  - [<sup>F31</sup>(a) has committed an act of discrimination or harassment against the claimant which is unlawful by virtue of—
    - (i) section 29, 30 or 31, or
    - (ii) any other provision of Part 3 so far as it applies to vocational training, or]
    - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination [<sup>F32</sup>or harassment] against the claimant,

the court shall uphold the claim unless the respondent proves that he did not commit, or, as the case may be, is not to be treated as having committed, that act.]

#### Textual Amendments

**F30** S. 66A inserted (12.10.2001) by S.I. 2001/2660, reg. 6

**F31** S. 66A(2)(a) substituted (6.4.2008) by [The Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), reg. 2(1), **Sch. 1 para. 17** (with reg. 4(1))

**F32** Words in s. 66A(2)(b) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 31(3)**

### [<sup>F33</sup>66B National security

- (1) Rules of court may make provision for enabling a county court or sheriff court in which a claim is brought under section 66(1), where the court considers it expedient in the interests of national security—
  - (a) to exclude from all or part of the proceedings—
    - (i) the claimant;
    - (ii) the claimant's representatives;
    - (iii) any assessors;
  - (b) to permit a claimant or representative who has been excluded to make a statement to the court before the commencement of the proceedings, or the part of the proceedings, from which he is excluded;
  - (c) to take steps to keep secret all or part of the reasons for the court's decision in the proceedings.
- (2) The Attorney General or, in Scotland, the Advocate General for Scotland, may appoint a person to represent the interests of a claimant in, or in any part of, proceedings from which the claimant or his representatives are excluded by virtue of subsection (1).
- (3) A person may be appointed under subsection (2) only—

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- (a) in relation to proceedings in England and Wales, if he has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)), or
  - (b) in relation to proceedings in Scotland, if he is—
    - (i) an advocate, or
    - (ii) qualified to practice as a solicitor in Scotland.
- (4) A person appointed under subsection (2) shall not be responsible to the person whose interests he is appointed to represent.]

**Textual Amendments**

**F33** S. 66B inserted (18.4.2006) by Equality Act 2006 (c. 3), ss. 87, 93 (with s. 92); S.I. 2006/1082, art. 2(j)

*Non-discrimination notices*

**67 Issue of non-discrimination notice.**

F34 .....

**Textual Amendments**

**F34** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)

**68 Appeal against non-discrimination notice.**

F35 .....

**Textual Amendments**

**F35** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)

**69 Investigation as to compliance with non-discrimination notice.**

F36 .....

**Textual Amendments**

**F36** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, Sch. 4 (with s. 92); S.I. 2007/2603, art. 2 (subject to art. 3)

**70 Register of non-discrimination notices.**

F37 .....

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**Textual Amendments**

**F37** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

*Other enforcement by Commission*

**71 Persistent discrimination.**

**F38** .....

**Textual Amendments**

**F38** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

**72 Enforcement of ss. 38 to 40.**

**F39** .....

**Textual Amendments**

**F39** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

**73 Preliminary action in employment cases.**

**F40** .....

**Textual Amendments**

**F40** Ss. 67-73 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 12, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

*Help for persons suffering discrimination*

**74 Help for aggrieved persons in obtaining information etc.**

- (1) With a view to helping a person (“the person aggrieved”) who considers he may have been discriminated against [<sup>F41</sup>or subjected to harassment] in contravention of this Act to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the [<sup>F42</sup>Secretary of State] shall by order prescribe—
  - (a) forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant;
  - (b) forms by which the respondent may if he so wishes reply to any questions.



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- (2) Where the person aggrieved questions the respondent (whether in accordance with an order under subsection (1) or not)—
- (a) the question, and any reply by the respondent (whether in accordance with such an order or not) shall, subject to the following provisions of this section, be admissible as evidence in the proceedings;
  - (b) if it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse, omitted to reply within [<sup>F43</sup>the period applicable under subsection (2A)] or that his reply is evasive or equivocal, the court or tribunal may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.
- [<sup>F44</sup>(2A) The period applicable for the purposes of subsection (2)(b) is—
- (a) eight weeks beginning with the day when the question was served on the respondent, if the question relates to discrimination under—
    - (i) any provision of Part 2,  
[ section 29, 30 or 31, except in so far as it relates to an excluded <sup>F45</sup>(ia) matter,]
    - (ii) section 35A or 35B, or
    - (iii) any other provision of Part 3, so far as it applies to vocational training;
  - (b) a reasonable period, as regards any other question.]
- (3) The [<sup>F46</sup>Secretary of State] may by order—
- (a) prescribe the period within which questions must be duly served in order to be admissible under subsection (2)(a), and
  - (b) prescribe the manner in which a question, and any reply by the respondent, may be duly served.
- (4) Rules may enable the court entertaining a claim under section 66 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.
- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before a county court, sheriff court or [<sup>F47</sup>employment tribunal], and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.
- (6) In this section “respondent” includes a prospective respondent and “rules”—
- (a) in relation to county court proceedings, means county court rules;
  - (b) in relation to sheriff court proceedings, means sheriff court rules.

#### Textual Amendments

- F41** Words in s. 74(1) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 32\(2\)](#)
- F42** Words in s. 74(1) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), [Sch. para. 3\(3\)\(b\)](#)
- F43** Words in s. 74(2)(b) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 32\(3\)](#)
- F44** S. 74(2A) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 32\(4\)](#)
- F45** S. 74(2A)(ia) inserted (6.4.2008) by [The Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), reg. 2(1), [Sch. 1 para. 18](#)

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- F46** Words in s. 74(3) substituted (18.8.2010) by [Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 1(2), **Sch. para. 3(3)(b)**
- F47** Words in s. 74(5) substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)](#); S.I. 1998/1658, art. 2, **Sch. 1** (with art. 3)

## 75 Assistance by Commission.

**F48** .....

### Textual Amendments

- F48** S. 75 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, Sch. 3 para. 13, **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

### *Period within which proceedings to be brought*

## 76 Period within which proceedings to be brought.

- (1) An [<sup>F49</sup>employment tribunal] shall not consider a complaint under section 63 unless it is presented to the tribunal before the end of [<sup>F50</sup>—
- (a) the period of three months beginning when the act complained of was done; or
  - (b) in a case to which section 85(9A) applies, the period of six months so beginning.]
- (2) A county court or a sheriff court shall not consider a claim under section 66 unless proceedings in respect of the claim are instituted before the end of
- [<sup>F51</sup>(a) the period of six months beginning when the act complained of was done; or
  - (b) in a case to which section 66(5) applies, the period of eight months so beginning.]
- [<sup>F52</sup>(2A) Where in England and Wales—
- (a) proceedings or prospective proceedings under section 66 relate to the act or omission of a qualifying institution, and
  - (b) the dispute concerned is referred as a complaint under the student complaints scheme before the end of the period of six months mentioned in subsection (2)
- (a),
- the period allowed by subsection (2)(a) shall be extended by [<sup>F53</sup>three months.]
- (2B) In subsection (2A)—
- “qualifying institution” has the meaning given by section 11 of the Higher Education Act 2004;
- “the student complaints scheme” means a scheme for the review of qualifying complaints, as defined by section 12 of that Act, that is provided by the designated operator, as defined by section 13(5)(b) of that Act.]
- [<sup>F54</sup>(2C) The period allowed by subsection (2)(a) or (b) shall be extended by three months in the case of a dispute which is referred for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 (unless the period is extended under subsection (2A)).]
- [<sup>F55</sup>(3) [<sup>F56</sup>.....]

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- (4) <sup>F56</sup> .....
- (5) A court or tribunal may nevertheless consider any such [<sup>F57</sup>complaint or claim] which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (6) For the purposes of this section—
- (a) where the inclusion of any term in a contract renders the making of the contract an unlawful act that act shall be treated as extending throughout the duration of the contract, and
  - (b) any act extending over a period shall be treated as done at the end of that period, and
  - (c) a deliberate omission shall be treated as done when the person in question decided upon it,

and in the absence of evidence establishing the contrary a person shall be taken for the purposes of this section to decide upon an omission when he does an act inconsistent with doing the omitted act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.]

#### Textual Amendments

- F49** Words in s. 76(1)(3)(4) substituted (1.8.1998) by 1998 c. 8, s. 1; S.I. 1998/1658, art. 2, **Sch. 1** (with art. 3)
- F50** Words and s. 76(1)(a)(b) substituted for words in s. 76(1) (1.10.1997) by 1996 c. 46, s. 21(6); S.I. 1997/2164, **art. 2**
- F51** Words substituted by Race Relations Act 1976 (c. 74), **Sch. 4 para. 8(a)**
- F52** S. 76(2A)(2B) inserted (1.11.2004) by Higher Education Act 2004 (c. 8), ss. 19(1), 52; S.I. 2004/2781, **art. 3**
- F53** Words in s. 76(2A) substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 14(2)** (with s. 92); S.I. 2007/2603, **art. 2**
- F54** S. 76(2C) inserted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 14(3)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)
- F55** S. 76(3) substituted by Race Relations Act 1976 (c. 74), **Sch. 4 para. 8(b)**
- F56** S. 76(3)(4) repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 14(4), **Sch. 4** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)
- F57** Words in s. 76(5) substituted (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 93, **Sch. 3 para. 14(5)** (with s. 92); S.I. 2007/2603, **art. 2** (subject to art. 3)

**Status:**

Point in time view as at 18/08/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Part VII.