



# Sex Discrimination Act 1975

## 1975 CHAPTER 65

### PART VIII

#### SUPPLEMENTAL

#### **78 Educational charities in England and Wales**

- (1) This section applies to any trust deed or other instrument—
  - (a) which concerns property applicable for or in connection with the provision of education in any establishment in paragraphs 1 to 5 of the Table in section 22, and
  - (b) which in any way restricts the benefits available under the instrument to persons of one sex.
- (2) If on the application of the trustees, or of the responsible body (as defined in section 22), the Secretary of State is satisfied that the removal or modification of the restriction would conduce to the advancement of education without sex discrimination, he may by order make such modifications of the instrument as appear to him expedient for removing or modifying the restriction, and for any supplemental or incidental purposes.
- (3) If the trust was created by gift or bequest, no order shall be made until 25 years after the date on which the gift or bequest took effect, unless the donor or his personal representatives, or the personal representatives of the testator, have consented in writing to the making of the application for the order.
- (4) The Secretary of State shall require the applicant to publish notice—
  - (a) containing particulars of the proposed order, and
  - (b) stating that representations may be made to the Secretary of State within a period specified in the notice.
- (5) The period specified in the notice shall not be less than one month from the date of the notice.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The applicants shall publish the notice in such manner as may be specified by the Secretary of State, and the cost of any publication of the notice may be defrayed out of the property of the trust.
- (7) Before making the order the Secretary of State shall take into account any representations duly made in accordance with the notice.
- (8) This section does not apply in Scotland.