



# Equality Act 2010

## 2010 CHAPTER 15

### PART 2

#### EQUALITY: KEY CONCEPTS

### CHAPTER 2

#### PROHIBITED CONDUCT

#### *Discrimination: supplementary*

### **23 Comparison by reference to circumstances**

- (1) On a comparison of cases for the purposes of section 13, 14, or 19 there must be no material difference between the circumstances relating to each case.
- (2) The circumstances relating to a case include a person's abilities if—
  - (a) on a comparison for the purposes of section 13, the protected characteristic is disability;
  - (b) on a comparison for the purposes of section 14, one of the protected characteristics in the combination is disability.
- (3) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is a civil partner while another is married [<sup>F1</sup>to a person of the opposite sex] is not a material difference between the circumstances relating to each case.
- [<sup>F2</sup>(4) If the protected characteristic is sexual orientation, the fact that one person (whether or not the person referred to as B) is married to a person of the same sex while another is married to a person of the opposite sex is not a material difference between the circumstances relating to each case.]

*Status: Point in time view as at 01/04/2019.*

*Changes to legislation: Equality Act 2010, Cross Heading: Discrimination: supplementary is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F1** Words in s. 23(3) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 43\(2\)](#); S.I. 2014/93, art. 3(k)(iv)
- F2** S. 23(4) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 43\(3\)](#); S.I. 2014/93, art. 3(k)(iv)

## 24 Irrelevance of alleged discriminator's characteristics

- (1) For the purpose of establishing a contravention of this Act by virtue of section 13(1), it does not matter whether A has the protected characteristic.
- (2) For the purpose of establishing a contravention of this Act by virtue of section 14(1), it does not matter—
  - (a) whether A has one of the protected characteristics in the combination;
  - (b) whether A has both.

## 25 References to particular strands of discrimination

- (1) Age discrimination is—
  - (a) discrimination within section 13 because of age;
  - (b) discrimination within section 19 where the relevant protected characteristic is age.
- (2) Disability discrimination is—
  - (a) discrimination within section 13 because of disability;
  - (b) discrimination within section 15;
  - (c) discrimination within section 19 where the relevant protected characteristic is disability;
  - (d) discrimination within section 21.
- (3) Gender reassignment discrimination is—
  - (a) discrimination within section 13 because of gender reassignment;
  - (b) discrimination within section 16;
  - (c) discrimination within section 19 where the relevant protected characteristic is gender reassignment.
- (4) Marriage and civil partnership discrimination is—
  - (a) discrimination within section 13 because of marriage and civil partnership;
  - (b) discrimination within section 19 where the relevant protected characteristic is marriage and civil partnership.
- (5) Pregnancy and maternity discrimination is discrimination within section 17 or 18.
- (6) Race discrimination is—
  - (a) discrimination within section 13 because of race;
  - (b) discrimination within section 19 where the relevant protected characteristic is race.
- (7) Religious or belief-related discrimination is—
  - (a) discrimination within section 13 because of religion or belief;

---

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** Equality Act 2010, Cross Heading: Discrimination: supplementary is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (b) discrimination within section 19 where the relevant protected characteristic is religion or belief.
- (8) Sex discrimination is—
- (a) discrimination within section 13 because of sex;
  - (b) discrimination within section 19 where the relevant protected characteristic is sex.
- (9) Sexual orientation discrimination is—
- (a) discrimination within section 13 because of sexual orientation;
  - (b) discrimination within section 19 where the relevant protected characteristic is sexual orientation.

**Status:**

Point in time view as at 01/04/2019.

**Changes to legislation:**

Equality Act 2010, Cross Heading: Discrimination: supplementary is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.