

*Status: Point in time view as at 16/01/2012.*

*Changes to legislation: Equality Act 2010, Cross Heading: Provision of services etc. to the public is up to date with all changes known to be in force on or before 18 May 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)*

## SCHEDULES

### SCHEDULE 9

#### WORK: EXCEPTIONS

#### PART 3

#### OTHER EXCEPTIONS

##### *Provision of services etc. to the public*

- 19 (1) A does not contravene a provision mentioned in sub-paragraph (2) in relation to the provision of a benefit, facility or service to B if A is concerned with the provision (for payment or not) of a benefit, facility or service of the same description to the public.
- (2) The provisions are—
- (a) section 39(2) and (4);
  - (b) section 41(1) and (3);
  - (c) sections 44(2) and (6) and 45(2) and (6);
  - (d) sections 49(6) and (8) and 50(6), (7), (9) and (10).
- (3) Sub-paragraph (1) does not apply if—
- (a) the provision by A to the public differs in a material respect from the provision by A to comparable persons,
  - (b) the provision to B is regulated by B's terms, or
  - (c) the benefit, facility or service relates to training.
- (4) “Comparable persons” means—
- (a) in relation to section 39(2) or (4), the other employees;
  - (b) in relation to section 41(1) or (3), the other contract workers supplied to the principal;
  - (c) in relation to section 44(2) or (6), the other partners of the firm;
  - (d) in relation to section 45(2) or (6), the other members of the LLP;
  - (e) in relation to section 49(6) or (8) or 50(6), (7), (9) or (10), persons holding offices or posts not materially different from that held by B.
- (5) “B's terms” means—
- (a) the terms of B's employment,
  - (b) the terms on which the principal allows B to do the contract work,
  - (c) the terms on which B has the position as a partner or member, or
  - (d) the terms of B's appointment to the office.
- (6) A reference to the public includes a reference to a section of the public which includes B.

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