

1975 No. 1845 (C.51)

SEX DISCRIMINATION

The Sex Discrimination Act 1975 (Commencement)

Order 1975

Made - - - - 12th November 1975

In exercise of the powers conferred on me by section 83(2), (4) and (5) of the Sex Discrimination Act 1975(a), I hereby make the following Order:—

1. This Order may be cited as the Sex Discrimination Act 1975 (Commencement) Order 1975.

2. In this Order a reference to the Act is a reference to the Sex Discrimination Act 1975.

3. Except as otherwise provided in Articles 4(1), 6 and 7 and subject to the transitional provisions of Articles 4(2) and 5 below, Parts II to VII of the Act shall come into operation on 29th December 1975.

4.—(1) So far as section 8(6) of the Act (amendment of Equal Pay Act 1970(b))—

(a) amends section 6 of the said Act of 1970 to provide that an equality clause and the provisions of section 3(4) thereof shall operate in relation to terms relating to membership of an occupational pension scheme (within the meaning of the Social Security Pensions Act 1975(c)) so far as those terms relate to any matter in respect of which the scheme has to conform with the equal access requirements of Part IV of the said Act of 1975;

(b) provides that the said Act of 1970 shall have effect as set out in Part II of Schedule 1 to the Act,

the said section 8(6) shall come into operation on 6th April 1978.

(2) Until the said date—

(a) section 8(6) of the Act (as brought into operation by Article 3 above for purposes other than those mentioned in the preceding paragraph) shall have effect as if for paragraph 3 of Part I of Schedule 1 to the Act there were substituted the paragraph set out in the Appendix to this Order;

(b) section 83(1) of the Act shall have effect as if the reference in paragraph 5(1) of Schedule 4 thereto to section 6(1A)(b) of the Equal Pay Act 1970 were a reference to section 6(1A).

(a) 1975 c. 65.

(b) 1970 c. 41.

(c) 1975 c. 60.

5. So far as sections 22 and 25 of the Act (discrimination by educational bodies) relate to the admission of pupils to educational establishments, it shall not be unlawful under section 22, or a breach of the duty imposed by section 25, (as brought into operation by Article 3 above) to discriminate against a person—

- (a) in the terms on which that person is offered admission, or
- (b) by refusing or deliberately omitting to accept an application for that person's admission,

where the offer or application relates to admission before 1st September 1976.

6. Section 53 of the Act (establishment and duties of Commission) shall come into operation forthwith.

7. Section 56 of the Act (annual reports of Commission) shall come into operation on 1st January 1976.

8. Section 77(1)(c) of the Act (validity of contracts) shall not render a term of a contract void, by reason that it provides for the doing of an act which would be rendered unlawful by a provision of the Act, unless and until the provision in question has come into operation.

9. Section 86 of the Act (government appointments outside section 6) shall have effect until 29th December 1975 (on which date section 6 and, subject to certain exceptions, the other provisions of Parts II to VII of the Act are brought into operation by Article 3 above) as if Parts II to VII were in operation.

10. The amendments contained in Schedule 5 and the repeals contained in Schedule 6 to the Act shall come into operation on 29th December 1975 and those amendments and repeals shall have effect accordingly.

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
12th November 1975.

APPENDIX

PARAGRAPH 3 OF PART I OF SCHEDULE 1 TO THE ACT—
TRANSITIONAL AMENDMENT OF SECTION 6 OF THE EQUAL PAY ACT 1970

3. In section 6 the following is substituted for subsection (1)—

“(1) Neither an equality clause nor the provisions of section 3(4) above shall operate in relation to terms—

(a) affected by compliance with the laws regulating the employment of women,
or

(b) affording special treatment to women in connection with pregnancy or child-birth.

(1A) An equality clause and those provisions shall not operate in relation to terms related to death or retirement, or to any provision made in connection with death or retirement.”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation Parts II to VII of the Sex Discrimination Act 1975 and the amendments and repeals in Schedules 5 and 6 thereto (that is to say all the provisions of the Act which did not come into operation on its passing); it also contains certain transitional provisions.

Save as mentioned below, Parts II to VII are brought into operation by Article 3 on 29th December 1975.

For the purposes specified in Article 4(1), section 8(6) (amendments of the Equal Pay Act 1970) is not brought into operation until 6th April 1978 (the date on which the equal access requirements of Part IV of the Social Security Pensions Act 1975 come into operation). Article 4(2) contains consequential transitional modifications to Part I of Schedule 1 and to Schedule 4.

So far as sections 22 and 25 relate to the admission of pupils to educational establishments, Article 5 makes transitional provision that the sections shall not apply to offers of, or applications for, admission on a date before 1st September 1976.

Section 53 (establishment and duties of the Equal Opportunities Commission) is brought into operation forthwith and section 56 (annual reports of the Commission) is brought into operation on 1st January 1976 by Articles 6 and 7, respectively.

Article 8 contains transitional provision relating to the validity of contractual terms providing for the doing of an act which would be rendered unlawful by the Act.

Article 9 contains transitional provision relating to the operation of section 86 (government appointments outside section 6) pending the coming into operation of Parts II to VII.

Article 10 provides that the amendments and repeals contained in Schedules 5 and 6 shall come into operation on 29th December 1975.

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