
STATUTORY INSTRUMENTS

2003 No. 1660

**The Employment Equality (Religion
or Belief) Regulations 2003**

PART IV

GENERAL EXCEPTIONS FROM PARTS II AND III

Exception for national security

24. Nothing in Part II or III shall render unlawful an act done for the purpose of safeguarding national security, if the doing of the act was justified by that purpose.

Exceptions for positive action

25.—(1) Nothing in Part II or III shall render unlawful any act done in or in connection with—

- (a) affording persons of a particular religion or belief access to facilities for training which would help fit them for particular work; or
- (b) encouraging persons of a particular religion or belief to take advantage of opportunities for doing particular work,

where it reasonably appears to the person doing the act that it prevents or compensates for disadvantages linked to religion or belief suffered by persons of that religion or belief doing that work or likely to take up that work.

(2) Nothing in Part II or III shall render unlawful any act done by a trade organisation within the meaning of regulation 15 in or in connection with—

- (a) affording only members of the organisation who are of a particular religion or belief access to facilities for training which would help fit them for holding a post of any kind in the organisation; or
- (b) encouraging only members of the organisation who are of a particular religion or belief to take advantage of opportunities for holding such posts in the organisation,

where it reasonably appears to the organisation that the act prevents or compensates for disadvantages linked to religion or belief suffered by those of that religion or belief holding such posts or likely to hold such posts.

(3) Nothing in Part II or III shall render unlawful any act done by a trade organisation within the meaning of regulation 15 in or in connection with encouraging only persons of a particular religion or belief to become members of the organisation where it reasonably appears to the organisation that the act prevents or compensates for disadvantages linked to religion or belief suffered by persons of that religion or belief who are, or are eligible to become, members.

Protection of Sikhs from discrimination in connection with requirements as to wearing of safety helmets

26.—(1) Where—

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- (a) any person applies to a Sikh any provision, criterion or practice relating to the wearing by him of a safety helmet while he is on a construction site; and
- (b) at the time when he so applies the provision, criterion or practice that person has no reasonable grounds for believing that the Sikh would not wear a turban at all times when on such a site,

then, for the purposes of regulation 3(1)(b)(iii), the provision, criterion or practice shall be taken to be one which cannot be shown to be a proportionate means of achieving a legitimate aim.

(2) Any special treatment afforded to a Sikh in consequence of section 11(1) or (2) of the Employment Act 1989 ^{M1} (exemption of Sikhs from requirements as to wearing of safety helmets on construction sites) shall not be regarded as giving rise, in relation to any other person, to any discrimination falling within regulation 3.

(3) In this regulation—

“construction site” means any place in Great Britain where any building operations or works of engineering construction are being undertaken, but does not include any site within the territorial sea adjacent to Great Britain unless there are being undertaken on that site such operations or works as are activities falling within Article 8(a) of the Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2001 ^{M2}; and

“safety helmet” means any form of protective headgear.

(4) In this regulation—

- (a) any reference to a Sikh is a reference to a follower of the Sikh religion; and
- (b) any reference to a Sikh being on a construction site is a reference to his being there whether while at work or otherwise.

Marginal Citations

M1 1989 c. 38.

M2 S.I. 2001/2127.

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Changes and effects yet to be applied to :

- Regulations revoked by [2010 c. 15 Sch. 27 Pt. 2](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1A inserted by [S.I. 2003/2828 reg. 3\(6\)](#)
- Sch. 1A para. 1(1) words inserted by [S.I. 2006/1031 Sch. 8 para. 62\(2\)\(b\)](#)
- Sch. 1A para. 1(1) words omitted by [S.I. 2006/1031 Sch. 8 para. 62\(2\)\(a\)](#)
- Sch. 1A para. 1(2) words omitted by [S.I. 2006/1031 Sch. 8 para. 62\(3\)](#)
- Sch. 1B inserted by [S.I. 2004/437 reg. 3\(3\)](#)
- Sch. 4 para. 2(5A) words substituted by [S.I. 2009/3348 art. 22Sch. 1](#)
- reg. 9A inserted by [S.I. 2003/2828 reg. 3\(3\)](#)
- reg. 10(10)(b)(viii) inserted by [S.I. 2007/1388 Sch. 1 para. 150\(b\)](#)
- reg. 11A inserted by [S.I. 2006/594 Sch. para. 36\(5\)](#)
- reg. 17(1)(aa) inserted by [S.I. 2007/2269 reg. 4\(4\)\(b\)](#)
- reg. 20(4A) inserted by [S.I. 2004/437 reg. 3\(2\)](#)
- reg. 30(5) inserted by [S.I. 2003/2828 reg. 3\(5\)](#)
- reg. 34(1A) inserted by [S.I. 2004/752 reg. 17\(g\)\(ii\)](#)

Commencement Orders yet to be applied to the The Employment Equality (Religion or Belief) Regulations 2003

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2010/2317 art. 2\(15\)\(f\)](#) commences ([2010 c. 15](#))
- [S.I. 2011/1066 art. 2\(h\)](#) commences ([2010 c. 15](#))