



Lifting the Barrier: Gender Equality Legislation 1919

This House of Lords Library briefing has been prepared to mark the centenary of the Sex Disqualification (Removal) Act 1919. It provides a summary of the provisions of the Act and an overview of some of the debates had at the time about introducing and implementing gender equality legislation.

Summary

- In 1918, the Representation of the People Act 1918 gave most women over the age of 30 the right to vote, and the Parliament (Qualification of Women) Act 1918 allowed women to stand for election to the House of Commons. However, there was still political pressure and calls from women's rights campaigners for further gender equality legislation.
- The first equal opportunities statute enacted by Parliament was the Sex Disqualification (Removal) Act in December 1919. The Act made it illegal for women to be denied access to a range of professions on the basis of their sex or marriage, including the legal profession and parts of the civil service.
- The Sex Disqualification (Removal) Bill, as introduced, included a clause to allow women to sit in the House of Lords. This was removed during the bill's committee stage in the House of Lords. The bill had not sought to introduce equal parliamentary franchise for men and women.
- Prior to the introduction of the bill, the Labour opposition had introduced a private member's bill, the Women's Emancipation Bill. This sought to: end the restrictions on women holding civil and judicial posts; introduce equal parliamentary franchise for men and women; and allow women to sit and vote in the House of Lords. The bill was defeated in the House of Lords at second reading.
- Following the Sex Disqualification (Removal) Act, there were a number of firsts in the 1920s for women, including the first female veterinary surgeon, barrister, jury member, and cabinet minister.
- However, the legislation failed to remove a number of barriers that existed for women. For instance, it did not end the marriage bar in certain professions: the practice of requiring women to leave paid employment on getting married and preventing married women from joining a profession. The civil service did not lift this bar until 1946.

Sarah Tudor | 13 December 2019

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Pressure for Gender Equality Legislation

In 1918, following a campaign by the women's suffrage movement, the Representation of the People Act 1918 gave women over the age of 30, who met a property qualification, the right to vote.¹ The same Act gave the vote to nearly all men over the age of 21. The Parliament (Qualification of Women) Act 1918 allowed women to stand for election to the House of Commons.

In the 1918 general election, the first to be held since 1910, the Conservative Party manifesto made a pledge to "remove all existing inequalities between men and women".² The Conservatives and Prime Minister David Lloyd George's wing of the Liberal Party contested and won the 1918 general election as a coalition.³ The Labour Party promoted itself as the 'Women's Party' during the general election campaign.⁴

Following the election, the Labour opposition sought to introduce equality legislation through a private member's bill. The Women's Emancipation Bill was introduced by Benjamin Spoor (Labour MP for Bishop Auckland) in March 1919.⁵ The bill sought to: end the restrictions on women holding civil and judicial posts; introduce equal parliamentary franchise for men and women; and allow women to sit and vote in the House of Lords.⁶ The bill passed through the House of Commons, receiving its third reading on 4 July 1919. However, shortly after the bill had passed through the Commons, the Government introduced its own legislation, the Sex Disqualification (Removal) Bill, in the House of Lords on 14 July 1919.⁷ The Women's Emancipation Bill was subsequently defeated on 24 July 1919 at second reading in the House of Lords.⁸

The Sex Disqualification (Removal) Bill sought to remove prohibitions on women holding judicial and civil positions. It did not include provisions on equal parliamentary franchise. During the bill's second reading in the House of Lords, the Lord Chancellor, Lord Birkenhead, explained that the Government felt it was too soon after the Representation of the People Act to extend the franchise again:

In the first place, the franchises for men and women were settled last year by the Representation of the People Act as the result of the Speaker's Conference, which was representative of all political parties. In preparing the Coalition manifesto which was issued during the general election ministers certainly had no intention whatever of reopening the franchise questions which have been so recently settled and after such full discussion. The sex inequalities which they had in mind include those which it is the object of this bill to correct. In the next place, it is contrary to the constitutional practice to extend the franchise in the first session of a new parliament.⁹

¹ House of Lords Library, [Women in the Lords: Viscountess Rhondda Peerage Case](#), 28 November 2018, p 1.

² 'Conservative Party General Election Manifesto 1918', in Ian Dale (ed), *Conservative Party General Election Manifestos 1900–1997*, 2000, p 21.

³ House of Commons Library, [UK Election Statistics: 1918–2019: A Century of Elections](#), 18 July 2019, p 10.

⁴ 'Labour Party General Election Manifesto 1918', in Ian Dale (ed), *Labour Party General Election Manifestos 1900–1997*, 2000, p 18.

⁵ [HC Hansard, 21 March 1919, col 2399](#).

⁶ Dr Mari Takayanagi, '[The Sex Disqualification \(Removal\) Act 1919](#)', *First Hundred Years*, 10 September 2015; and Kevin Crosby, 'Keeping Women off the Jury in 1920s: England and Wales', *Legal Studies*, 2017, vol 37 no 4, pp 695–717.

⁷ [HL Hansard, 14 July 1919, col 481](#).

⁸ [HL Hansard, 24 July 1919, col 1051](#).

⁹ [HL Hansard, 22 July 1919, col 894](#).

Debate on the bill focused on women being able to hold civil or judicial posts.¹⁰ Dr Mari Takayanagi states that women's organisations and MPs supportive of equal franchise were "disappointed" the bill did not seek to extend the parliamentary franchise. However, they "found it necessary to concentrate" on amending the provisions relating to women's access to a range of professions to "make them as palatable as possible or risk losing the bill altogether". Attempts were made to stop the practice of limiting posts to women who were unmarried or widowed, and to amend provisions that allowed women to be excluded from the foreign and diplomatic services and for judges to be able to call all-male juries.

What did the Act Achieve?

The Sex Disqualification (Removal) Act 1919 permitted women to become barristers, solicitors, jurors and magistrates, as well as to enter professions such as accountancy, veterinary medicine and parts of the civil service.¹¹ It allowed women to enter any royal chartered society and ensured that no university could refuse entry to women. The 1920s saw the first women to hold the following roles:¹²

- veterinary surgeon
- pilot to enter an air race
- British delegate to the League of Nations
- solicitor
- barrister
- jury member
- justice of the peace (JP)
- deacon of the Church of England
- female cabinet minister

However, Dr Mari Takayanagi notes that the Act was a compromise and "disappointing to some".¹³ It was criticised at the time and subsequently by historians for its failure not only to implement equal franchise but also to remove certain barriers to women.

For instance, the legislation failed to end the marriage bar in certain professions: the practice of requiring women to leave paid employment on getting married and preventing married women from joining a profession.¹⁴ The civil service continued to operate its marriage bar until 1946: in 1921, an order in council limited posts to women who were either unmarried or widows. The Treasury argued that a woman's negative right under the Sex Disqualification (Removal) Act not to be disqualified from holding those posts did not entail a positive entitlement to hold them.¹⁵ There were also conditions within the Act which enabled women to be excluded from certain posts in the civil service, such as

¹⁰ Dr Mari Takayanagi, 'Women and the Vote: The Parliamentary Path to Equal Franchise, 1918–28', *Parliamentary History*, 14 March 2018, vol 37 issue 1.

¹¹ Dr Mari Takayanagi, '[The Sex Disqualification \(Removal\) Act 1919](#)', First Hundred Years, 10 September 2015.

¹² Paula Bartley, *Access to History: Votes for Women*, 2007, p 170.

¹³ Dr Mari Takayanagi, 'Women and the Vote: The Parliamentary Path to Equal Franchise, 1918–28', *Parliamentary History*, 14 March 2018, vol 37 issue 1.

¹⁴ House of Commons, '[Women in Public life, the Professions and the Boardroom](#)', 27 July 2017, p 9.

¹⁵ Rodney Lowe, *The Official History of the Civil Service: Reforming the Civil Service*, 2011, pp 75–6.

within the diplomatic and consular services, and other posts overseas.¹⁶

According to Vicky Iglkowski from the National Archives, the removal of the marriage bar in the civil service in 1946 “heralded a significant watershed moment of change” for all women in the civil service.¹⁷ Ms Iglkowski explains that this “progressive change” followed the removal of the marriage bar in teaching and in the BBC in 1944 and “preceded the wider removal of the marriage bar in other areas of public life”. In 1946, women were allowed to work for the foreign service for the first time.¹⁸

The Sex Disqualification (Removal) Act 1919 also expressly allowed judges to exclude women from juries. Dr Takayanagi explains that this meant that women jurors were widely excluded from cases such as sexual assault or rape.¹⁹ The Courts Act 1971 repealed the proviso allowing judges to order single-sex juries.²⁰

Dr Takayanagi argues that despite the limitations of the Sex Disqualification (Removal) Act to remove inequalities between men and women, “full consideration of the parliamentary passage shows that it was the most that could be achieved at the time”.²¹ She suggests it was “a big step in many ways”.

Allowing Women to sit in the House of Lords

The Sex Disqualification (Removal) Bill 1919 originally included a clause which sought to allow women to sit in the House of Lords. It stated that any future special remainders, a grant by the Crown to allow a woman to inherit a title, could allow a woman to inherit a seat in Parliament as well as her father’s peerage.²² The historian, Duncan Sutherland, asserts that given the infrequency that special remainders were created, it would not have resulted in the admission of any female members for years. However, during the bill’s second reading in the House of Lords, the Lord Chancellor, Lord Birkenhead, made it clear that the clause was only inserted in “order to give the House an opportunity of expressing its view”.²³ At committee stage, Lord Birkenhead stated that the Government would not whip its Members on an amendment to remove the clause:

I made it plain on the second reading that every member of the Government could vote as he pleased and, of course, the Government whips would not be employed. If the decision were taken, as it may be, that this clause at the present stage should not find a place in the bill, it ought I think to be made clear that your Lordships are not pre-judging the ultimate and extremely important question which will have to be faced one day as to whether or not women are to be made eligible for such second chamber as may take the place of this. I think your Lordships would be very reluctant to reach any conclusion in arriving at which it was not made

¹⁶ Foreign and Commonwealth Office, [Women and the Foreign Office](#), October 2018, p 12.

¹⁷ Vicky Iglkowski, “[“A Perfect Nuisance”: The History of Women in the Civil Service](#)”, History of Government blog, 26 May 2015.

¹⁸ *ibid*; and Foreign and Commonwealth Office, [Women and the Foreign Office](#), October 2018, p 18.

¹⁹ Dr Mari Takayanagi, ‘[The Sex Disqualification \(Removal\) Act 1919](#)’, First One Hundred Years, 10 September 2015.

²⁰ Anne Logan, ‘Section 25 of the Criminal Justice Act 1972’, in Erika Rackley and Rosemary Auchmuty (eds), *Women’s Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland*, 2018, p 311.

²¹ Dr Mari Takayanagi, ‘Women and the Vote: The Parliamentary Path to Equal Franchise, 1918–28’, *Parliamentary History*, 14 March 2018, vol 37 issue 1.

²² Duncan Sutherland, ‘[Peeresses, Parliament and Prejudice: The Admission of Women to the House of Lords, 1918–1963](#)’, *Parliaments, Estates and Representation*, 2000, pp 219–20.

²³ *ibid*, and [HL Hansard, 22 July 1919, col 895](#).

plain that you were alive to the movements and changes which have taken place in the last ten or fifteen years, and that you were prepared to consider with a completely open mind when the time came the arguments which won acceptance in the House of Commons.²⁴

The clause was removed during the bill's committee stage in the House of Lords.²⁵

In 1918, Viscountess Rhondda, a hereditary peeress by special remainder, had announced her intention to claim a seat in the House of Lords.²⁶ In 1921, Viscountess Rhondda took a case to the House of Lords Privileges Committee, which considered peerage claims and related matters. She suggested that the Sex Disqualification (Removal) Act 1919 gave her the right to a seat in the House of Lords, because it stated that “a woman shall not be disqualified by sex or marriage from any public function”. The committee initially found in her favour and voted to allow her to sit in the House of Lords. However, the Lord Chancellor, Lord Birkenhead, and several other peers raised objections.²⁷ The House referred the case back to the Privileges Committee, which this time voted against Viscountess Rhondda's petition. It concluded that legislation was required to enable women to be admitted to the House of Lords.²⁸

Women were eventually given the right to sit in the House of Lords through the Life Peerages Act 1958 and the Peerage Act 1963.

Further Information

- Dr Mari Takayanagi, [‘The Sex Disqualification \(Removal\) Act 1919’](#), First Hundred Years, 10 September 2015
- House of Commons Library, [Women in Parliament: Making a Difference Since 1918](#), November 2013
- Dr Mari Takayanagi, ‘Women and the Vote: The Parliamentary Path to Equal Franchise, 1918–28’, *Parliamentary History*, 14 March 2018, vol 37 issue 1
- House of Lords Library, [Women in the House of Lords](#), 30 June 2015
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- Foreign and Commonwealth Office, [Women and the Foreign Office](#), October 2018

²⁴ [HL Hansard, 31 July 1919, col 132.](#)

²⁵ *ibid*, col 133.

²⁶ House of Lords Library, [Women in the Lords: Viscountess Rhondda Peerage Case](#), 28 November 2018.

²⁷ [HL Hansard, 30 March 1922, cols 1012–36.](#)

²⁸ Duncan Sutherland, [‘Peeresses, Parliament and Prejudice: The Admission of Women to the House of Lords, 1918–1963’](#), *Parliaments, Estates and Representation*, 2000, p 221.