

Provisions of the Disability Discrimination Act 2005

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PRIVATE CLUBS

<p>IMPLEMENTATION DATES 5 DECEMBER 2005 & 4 DECEMBER 2006</p>
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Note

The Disability Discrimination Act 2005 builds on and extends earlier disability discrimination legislation, principally the Disability Discrimination Act 1995. In this fact sheet, the earlier Act is referred to as the 'DDA', and the later Act as 'the DDA 2005'

Background

A private members' club is one that selects its members on the basis of genuine personal criteria under the rules of its constitution (whether written down or unwritten). Until 5 December 2005 clubs like this are only covered by the DDA where they provide goods, facilities or services to the public; for example, a club which allows the public to hire its dining facilities..

The New Provisions

Under the DDA 2005 private clubs with 25 or more members are covered by the DDA in respect of their members, associates, guests, and prospective members and guests. It will be unlawful for a club to discriminate in the following ways:

- By treating a disabled person less favourably for a reason relating to their disability compared to a person who is not disabled, unless justified in limited circumstances. This part of the law will be implemented on 5 December 2005.
- By failing to make a reasonable adjustment, unless justified in limited circumstances, so that a disabled person can access their facilities. This part of the law will be implemented on 4 December 2006.

These duties will be equivalent to the duties in the DDA relating to providers of goods and services. The duty to make reasonable adjustments will be anticipatory – that is, the club must anticipate the needs of disabled people and change things in advance. The duty to make reasonable adjustments can only be enforced by an individual disabled person who has experienced discrimination. As suggested by the term clubs will only ever be required to do what is reasonable and may take into account factors like the resources of the club.

FURTHER INFORMATION

Directgov

The 'Disabled People' section of the Government website, Directgov, contains a variety of information for those with an interest in disability issues. From this site you can read more about the DDA and the DDA 2005, including some more information about the definition of disability, and there are links to the full texts of the DDA and the DDA 2005.

www.direct.gov.uk/disability

Advice and Guidance

The Government publishes statutory guidance, primarily to assist adjudicating bodies like courts and tribunals in deciding whether a person is a disabled person for the purposes of the DDA. This guidance will be updated to include the provisions described in this leaflet, but you can read the current guidance and the Disability Rights Commission's Codes of Practice on the DDA at:

<http://www.drc-gb.org/thelaw/practice.asp>

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