



DISABILITY DISCRIMINATION BRIEF GUIDANCE NOTE TO CLUBS

We have drawn up detailed guidance notes on the Act and its application to private members clubs.

The Act extends the Disability Discrimination Act 1995 coverage to include private members clubs with 25 or more members. Its application relates to Part III of the Disability Discrimination Act 1995 which imposes measures to prevent discrimination against disabled people by service providers and those involved in the disposal or management of premises.

Under the Act it is an offence for any club with 25 or more members to discriminate against a disabled person.

Clubs are under a duty not to treat disabled persons less favourably in terms of membership and must make reasonable adjustments in order to ensure its services are available to disabled persons. Clubs also have a duty to make 'reasonable' adjustments to the physical features of premises in order to ensure that there are no physical barriers to their services. As the Act imposes a proactive approach, it will be good practice for the club to take action to prepare for its new obligations in advance of the rules coming into force.

The duty not to treat disabled persons less favourably came into effect on 5th December 2005; and the duty to make reasonable adjustments came into effect on 4th December 2006.

The Act is likely to affect many of our clubs across the country as, in many instances, our clubs are providing services as well as managing premises.

You can download the Act from the following website
www.opsi.gov.uk.

You can access the Disability Rights Commission website by following this link, where you will find www.dcr-gb.org information and guidance on the Act together with a Code of Practice which can be found at www.drc-gb.org/library/publications/services_and_transport/code_of_practice_rights_of_ac.aspx. This is a comprehensive guide to the duties owed under the Act and gives an overview of the legal principles which underpin those duties and gives examples of what would be deemed to be compliance with the Act. This is a revision of the previous Code of

Practice which has been approved by Parliament and provides helpful guidance on the application of the Act, in relation to provisions of the Disability Discrimination Act 2005 that came into force on 4th December 2006. It revises the guidance for providers of goods, services and facilities to include the new duties on public authorities, landlords and private members clubs.

The Code of Practice is available for downloading off the DRC website only until September 2006 at which time hard copies will be available.

You can contact the Disability Rights Commission for further advice on your specific issues. The telephone number is 08457 622 633.

You may also find useful information on the following website:

www.drc.org.uk/open4all/

You can view our response to the Government's consultation on the Bill, which closed on 18th March 2005.

The Disability Discrimination Act 1995:

Under the Disability Discrimination Act 1995, a Sailing Club, like all private clubs, is not normally caught by the Act except where it is providing a service to the public or a section of the public.

Private clubs operating commercially which provide services to the public or sections of the public are subject to the provisions of Part III of the Disability Discrimination Act in respect of that activity. Services not available to the public, such as those provided by private clubs, are not covered by Part III of the Act. However, where a club does provide services to the public then the Act applies to those services.

There is, in all reality, very little difference in the duties imposed on private members clubs under the Disability Discrimination Act 2005 and those imposed on clubs that attain CASC status.

For more information kindly contact the Legal Department on 0845 345037 or legal@rya.org.uk.

Disclaimer:

The RYA Legal Department provides generic legal advice for its members, affiliated clubs and RTCs. This leaflet represents the RYA's interpretation of the law. It takes all reasonable care to ensure that the information contained in

this leaflet is accurate. The RYA cannot accept responsibility for any errors or omissions contained in this leaflet, or for any loss caused or sustained by any person relying on it. Before taking any specific action based on the advice in this leaflet, members are advised to check the up to date position and take appropriate professional advice.

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