



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

EMPLOYMENT

Discrimination by other persons

15 Appeal against refusal of exemption certificate

(1) Where—

- (a) any arrangements made by or on behalf of a trade organisation, or
- (b) any physical feature of premises occupied by the organisation,

place the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the organisation to take such steps as it is reasonable, in all the circumstances of the case, for it to have to take in order to prevent the arrangements or feature having that effect.

(2) Subsection (1)(a) applies only in relation to—

- (a) arrangements for determining who should become or remain a member of the organisation;
- (b) any term, condition or arrangements on which membership or any benefit is offered or afforded.

(3) In determining whether it is reasonable for a trade organisation to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—

- (a) the extent to which taking the step would prevent the effect in question;
- (b) the extent to which it is practicable for the organisation to take the step;
- (c) the financial and other costs which would be incurred by the organisation in taking the step and the extent to which taking it would disrupt any of its activities;
- (d) the extent of the organisation's financial and other resources;

- (e) the availability to the organisation of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (7).

- (4) In this section “the disabled person concerned” means—
 - (a) in the case of arrangements for determining to whom membership should be offered, any disabled person who is, or has notified the organisation that he may be, an applicant for membership;
 - (b) in any other case, a disabled person who is—
 - (i) an applicant for membership; or
 - (ii) a member of the organisation.
- (5) Nothing in this section imposes any duty on an organisation in relation to a disabled person if the organisation does not know, and could not reasonably be expected to know that the disabled person concerned—
 - (a) is, or may be, an applicant for membership; or
 - (b) has a disability and is likely to be affected in the way mentioned in subsection (1).
- (6) Subject to the provisions of this section, nothing in this Part is to be taken to require a trade organisation to treat a disabled person more favourably than it treats or would treat others.
- (7) Regulations may make provision for the purposes of subsection (1) as to any of the matters mentioned in paragraphs (a) to (h) of section 6(8) (the references in those paragraphs to an employer being read for these purposes as references to a trade organisation).
- (8) Subsection (9) of section 6 applies in relation to such regulations as it applies in relation to regulations made under section 6(8).
- (9) Regulations may make provision adding to the duty imposed on trade organisations by this section, including provision of a kind which may be made under subsection (7).
- (10) This section imposes duties only for the purpose of determining whether a trade organisation has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.