

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: Equality Act 2010, SCHEDULE 16 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 16

Section 107

#### ASSOCIATIONS: EXCEPTIONS

##### *Single characteristic associations*

- 1 (1) An association does not contravene section 101(1) by restricting membership to persons who share a protected characteristic.
- (2) An association that restricts membership to persons who share a protected characteristic does not breach section 101(3) by restricting the access by associates to a benefit, facility or service to such persons as share the characteristic.
- (3) An association that restricts membership to persons who share a protected characteristic does not breach section 102(1) by inviting as guests, or by permitting to be invited as guests, only such persons as share the characteristic.
- (4) Sub-paragraphs (1) to (3), so far as relating to race, do not apply in relation to colour.
- (5) This paragraph does not apply to an association that is a registered political party.

#### Commencement Information

- II** Sch. 16 para. 1 wholly in force at 1.10.2012; para. 1 not in force at Royal Assent see s. 216; para. 1 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(7)(d) (with art. 15); para. 1 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, art. 2(e)

#### *[<sup>F1</sup>Age*

#### Textual Amendments

- F1** Sch. 16 para. 1A and cross-heading inserted (1.10.2012) by The Equality Act 2010 (Age Exceptions) Order 2012 (S.I. 2012/2466), art. 8

- 1A (1) An association does not contravene section 101(1) or (2), so far as relating to age discrimination, by giving a concession on admission to membership for—
  - (a) persons of a particular age group, or
  - (b) persons who have been members of the association for more than a number of years specified by the association for this purpose.
- (2) An association does not contravene section 101(2) or (3), so far as relating to age discrimination, by giving a concession on access to a benefit, facility or service for—
  - (a) members of a particular age group, or
  - (b) persons who have been members of the association for more than a number of years specified by the association for this purpose.

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- (3) An association does not contravene section 102(1), so far as relating to age discrimination, by giving a concession on invitations of persons of a particular age group as guests.
- (4) An association does not contravene section 102(2), so far as relating to age discrimination, by giving a concession on access to a benefit, facility or service for guests of a particular age group.
- (5) For the purposes of this paragraph, affording only persons of a particular age group access to a benefit, facility or service for a limited time is to be regarded as a concession.
- (6) The reference to a concession in respect of something done by an association is a reference to a benefit, right or privilege having the effect that the manner in which, or the terms on which, it does it are more favourable than the manner in which, or the terms on which, it usually does the thing.]

#### *Health and safety*

- 2 (1) An association (A) does not discriminate against a pregnant woman in contravention of section 101(1)(b) because she is pregnant if—
  - (a) the terms on which A is prepared to admit her to membership include a term intended to remove or reduce a risk to her health or safety,
  - (b) A reasonably believes that admitting her to membership on terms which do not include that term would create a risk to her health or safety,
  - (c) the terms on which A is prepared to admit persons with other physical conditions to membership include a term intended to remove or reduce a risk to their health or safety, and
  - (d) A reasonably believes that admitting them to membership on terms which do not include that term would create a risk to their health or safety.
- (2) Sub-paragraph (1) applies to section 102(1)(b) as it applies to section 101(1)(b); and for that purpose a reference to admitting a person to membership is to be read as a reference to inviting the person as a guest or permitting the person to be invited as a guest.
- (3) An association (A) does not discriminate against a pregnant woman in contravention of section 101(2)(a) or (3)(a) or 102(2)(a) because she is pregnant if—
  - (a) the way in which A affords her access to a benefit, facility or service is intended to remove or reduce a risk to her health or safety,
  - (b) A reasonably believes that affording her access to the benefit, facility or service otherwise than in that way would create a risk to her health or safety,
  - (c) A affords persons with other physical conditions access to the benefit, facility or service in a way that is intended to remove or reduce a risk to their health or safety, and
  - (d) A reasonably believes that affording them access to the benefit, facility or service otherwise than in that way would create a risk to their health or safety.
- (4) An association (A) which does not afford a pregnant woman access to a benefit, facility or service does not discriminate against her in contravention of section 101(2) (a) or (3)(a) or 102(2)(a) because she is pregnant if—
  - (a) A reasonably believes that affording her access to the benefit, facility or service would, because she is pregnant, create a risk to her health or safety,

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- (b) A does not afford persons with other physical conditions access to the benefit, facility or service, and
  - (c) the reason for not doing so is that A reasonably believes that affording them access to the benefit, facility or service would create a risk to their health or safety.
- (5) An association (A) does not discriminate against a pregnant woman under section 101(2)(c) or (3)(c) because she is pregnant if—
- (a) the variation of A's terms of membership, or rights as an associate, is intended to remove or reduce a risk to her health or safety,
  - (b) A reasonably believes that not making the variation to A's terms or rights would create a risk to her health or safety,
  - (c) A varies the terms of membership, or rights as an associate, of persons with other physical conditions,
  - (d) the variation of their terms or rights is intended to remove or reduce a risk to their health or safety, and
  - (e) A reasonably believes that not making the variation to their terms or rights would create a risk to their health or safety.

#### **Commencement Information**

- I2** Sch. 16 para. 2 wholly in force at 1.10.2012; para. 2 not in force at Royal Assent see s. 216; para. 2 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(7)(d) (with art. 15); para. 2 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, art. 2(e)

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