



Model Yachting Association

Equality Act 2010 Briefing Note for Clubs

The Equality Act 2010 came into Force on 8th April 2010, and contains some 239 pages, covering the rights of people who (under the terminology of the Act) may well be considered as liable to being discriminated against unfairly.

Under earlier incarnations of the act this appeared to relate primarily only to those people who might have been suffering from some physical disability, but the current legislation extends the criteria to inequality being promulgated (or likely to be promulgated) against a much wider section of the community.

It is therefore important that MYA clubs individually review their activities, rules and practices to consider their status and help to prevent themselves unnecessarily falling foul of some element within this legislation.

Should club secretaries and officers be so inclined the whole act may be viewed on:-
https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

As an alternative (but as a précis only), the Royal Yachting Association publishes on its website an excellent and extremely informative paper running to just 15 pages (to which we refer here with the author and the RYA's kind approval) and this may be viewed on:-

<https://www.rya.org.uk/about-us/policies/equality-diversity-and-inclusion/legislation---what-you-need-to-know>

It is almost impossible to summarise the position in the space of a few paragraphs, especially as the act, although being developed from earlier discrimination legislation, has much greater range.

The Act primarily seeks to achieve two main goals; namely updating the UK's discrimination laws and enshrining, within one piece of legislation, all discrimination laws in order to significantly simplify a complex area of law enabling an easier understanding of a person (or groups of persons) legal rights and obligations.

The Act certainly applies to private members' clubs insofar as they are deemed to be an Association.

The Act says that Associations are bodies:-

- with 25 or more members; and
- that have rules regulating who can become members (though not necessarily formal or written); and
- that have a process of selection to become a member.

[NB - The word 'and' in the above criteria appears at first reading to suggest that only a body of 25 members or over becomes subject to the Act (and then possibly the next two criteria). If the wording is read slightly differently however, it can still make complete sense (and it seems much safer) to proceed on the basis that a club might be caught under any single one of the above three criteria.]

If a club is considered to be an Association the Act prohibits it from discriminating, harassing or victimising a member, an associate member, prospective member or guest, due to a 'protected characteristic'.

The 'characteristics' that are protected by the Act are:-

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race (including ethnic origin, national origin, colour, nationality);
- Religion or belief;
- Sex;
- Sexual orientation.

The main areas in which Associations must not discriminate, harass or victimize are:

- In the arrangements they make for selecting or rejecting new members and the terms for joining.
- In the ways in which clubs give or deny benefits or services or remove or vary the terms of membership.
- In the ways in which clubs give or deny associates benefits or services or remove or vary their rights as an associate. Associates are people who are not members but have some membership rights because they are a member of another Association.
- In the arrangements clubs make for deciding who can be invited as a guest and the terms for inviting or refusing people as guests.
- In the ways in which clubs give or deny guests benefits or services.

As a club you may well be 'an Association' under the terms of the Act.

To find out, you must read the appropriate legislation by going to the web sites listed above.

If so, you will need to consider whether any services you provide are provided to the public or to your members, associate members and guests.

The Equality and Human Rights Commission produces Guidance giving advice on complying with equality law and the section entitled 'What equality law means for your Association, club or society' may be more relevant to clubs.

The Guidance (vast) can be downloaded from the EHRC website:-

<https://www.equalityhumanrights.com/en/advice-and-guidance/core-guidance-clubs-societies-and-associations>

The RYA's guidance note (page 8) also states:-

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. They 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 clubs to take action to undertake its new obligations without delay.

This page 8 section is extremely detailed and explains at great length the changes to club arrangements that might be necessary, and it would be inappropriate for Council to even try and reinvent these notes.

Clearly, the sailing waters that MYA clubs use are enormously variable, and what might seem very easy for some clubs to achieve would be well nigh impossible for others. However, 'easy' might in its own turn impose further obligations on those clubs.

Council has in this note tried only to illustrate the breadth of the legislation and can only guess at the options and choices available to clubs, as it is for the individual club to make up its own mind on its particular circumstances.

In the event of any doubt it may be appropriate for specialist legal advice to be taken, and certainly MYA can give no specialist advice to clubs, only pointing them in the way of appropriate guidance.

MYA Council
28th January 2012

Note – the above information, and any advice and recommendations contained within this briefing note are not the opinions of the Model Yachting Association but only of the paper's author seeking with limited and non-professional knowledge to assist clubs, and none of the views expressed above are to be taken as authoritative statements of law.

The author and the Model Yachting Association acknowledge with grateful thanks the permission of the Royal Yachting Association for the use of and references to certain sections of their official guidance publication.

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