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## SCHEDULES

### SCHEDULE 16 **E+W+S**

#### ASSOCIATIONS: EXCEPTIONS

##### *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,
  - (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.

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- (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.

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**Commencement Information**

- II** 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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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)