

Sex Discrimination in Private Clubs Bill

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B I L L

TO

Make provision for the prevention of sex discrimination in relation to membership of, or the benefits, facilities and services afforded by, clubs and other private associations.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Discrimination: private clubs

In the Sex Discrimination Act 1975 (c. 65) (“the 1975 Act”), after section 29 (discrimination in provision of goods, facilities or services) there is inserted—

“29A Discrimination by mixed-sex private clubs: members and associates

- | | | |
|-----|--|----|
| (1) | Subject to subsection (2), this section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if— | 5 |
| | (a) it has twenty-five or more members, | |
| | (b) admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 29(1), and | 10 |
| | (c) it is not an organisation to which section 12 applies. | |
| (2) | This section does not apply to an association if the association shows that its constitution restricts membership to persons of one sex. | |
| (3) | It is unlawful for an association to which this section applies, in the case of a woman who is not a member of the association, to discriminate against her— | 15 |
| | (a) in the terms on which it is prepared to admit her to membership, or | |
| | (b) by refusing or deliberately omitting to accept her application for membership. | 20 |
| (4) | It is unlawful for an association to which this section applies, in the case of a woman who is a member or associate of the association, to discriminate against her— | |

- (a) in the way it affords her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
- (b) in the case of a member, by depriving her of membership, or varying the terms on which she is a member, or 5
- (c) in the case of an associate, by depriving her of her rights as an associate, or varying those rights, or
- (d) in either case, by subjecting her to any other detriment.
- (5) For the purposes of this section –
- (a) a person is a member of an association if she belongs to it by virtue of her admission to any sort of membership provided for by its constitution (and is not merely a person with certain rights under its constitution by virtue of her membership of some other association), and references to membership of an association shall be construed accordingly; 10 15
- (b) a person is an associate of an association to which this section applies if, not being a member of it, she has under its constitution some or all of the rights enjoyed by members (or would have apart from any provision in its constitution restricting those rights to men or authorising the refusal of them in particular cases). 20
- (6) For the purposes of subsection (2) –
- (a) a constitution which provides for more than one sort of membership is not to be treated as restricting membership to persons of one sex if one sort of membership is restricted to one sex but not all the sorts are restricted to that sex, and 25
- (b) any minor exceptions to a restriction on membership (such as an exception relating to *ex officio* or honorary membership) shall be disregarded.
- 29B Guests: discrimination by mixed-sex clubs 30**
- It is unlawful for an association to which section 29A applies to discriminate against a woman on an occasion when she is its guest –
- (a) in the way in which it affords her access to any of the benefits, facilities or services to which other guests are afforded access by it on that or a comparable occasion, 35
- (b) by refusing or deliberately omitting to afford her access to any of those benefits, facilities or services, or
- (c) by subjecting her to any other detriment.
- 29C Guests: discrimination by single-sex clubs**
- (1) It is unlawful for a single-sex association to discriminate against a woman on a mixed-guest occasion when she is its guest – 40
- (a) in the way it affords her access to any of the benefits, facilities or services to which male guests are afforded access by the association on that occasion,
- (b) by refusing or deliberately omitting to afford her access to any of those benefits, facilities or services, or 45
- (c) by subjecting her to any other detriment.

- (2) In this section “single-sex association” means an association falling within section 29A(1) whose constitution restricts membership to persons of one sex.
- (3) Section 29A(6) applies for the purposes of subsection (2).
- (4) In this section “mixed-guest occasion” means an occasion for which an association to which this section applies –
- (a) invites, or
 - (b) permits any member or associate to invite, persons of both sexes to be guests of the association.
- (5) References in this section to benefits, facilities or services to which male guests are afforded access on an occasion include references to benefits, facilities or services to which male guests, if in fact there were any male guests on that occasion, would be afforded access. 10
- 29D Meaning of “guest” and other provisions supplementary to sections 29B and 29C** 15
- (1) For the purposes of sections 29B and 29C, a person is a guest of an association if, on the occasion in question –
- (a) she is not a member or an associate of the association to whom, as such a member or associate, the association affords access to the benefits, facilities or services to which guests are afforded access by it on that occasion, 20
 - (b) she makes use of (or attempts to make use of) any of those benefits, facilities or services,
 - (c) she does so by virtue of an invitation issued by the association or by virtue of an invitation issued by any member or associate of the association and permitted by the association, 25
 - (d) she does so otherwise than as a member of the public or section of the public (within the meaning of section 29(1)), and
 - (e) her doing so is not incidental to the provision by her of any services. 30
- (2) For the purposes of section 29C(4) and subsection (1)(c), it is immaterial whether the invitation or permission is of a specific or a standing nature.
- (3) Section 29A(5) applies for the purposes of section 29C and this section.”. 35
- 2 Exceptions**
- (1) The 1975 Act is amended as follows.
- (2) In section 33 (exceptions in relation to political parties), in each of subsections (2) and (3) for “section 29(1)” there is substituted “sections 29 to 29C”.
- (3) In section 34(3) (exceptions for voluntary bodies whose main object is conferring benefits on persons of one sex only), for “section 29 or” there is substituted “sections 29 to”. 40
- (4) In section 35 (further exceptions from sections 29(1) and 30) –
- (a) in the sidenote, for “29(1) and 30” there is substituted “29 to 30”;

- (b) in each of subsections (1) and (2) (exceptions related to privacy, decency and religious freedom), for “section 29(1)” there is substituted “any of sections 29 to 29C”.
- (5) In section 35, after subsection (3) there is added –
- “(4) Sections 29A to 29C do not render unlawful any refusal to allow a woman to perform a task whose essential nature calls for a man for reasons of authenticity in a dramatic performance or other entertainment. 5
- (5) Subsection (6) applies to an association whose main object is to enable the benefits of membership to be enjoyed by persons of a particular religion. 10
- (6) Nothing in sections 29A to 29C renders it unlawful for any association to which this subsection applies to restrict to men –
- (a) membership (or any sort of membership) of the association, or
- (b) access afforded by the association to any benefits, facilities or services, 15
- where the restriction is in order to comply with the doctrines of that religion or avoid offending the religious susceptibilities of a significant number of that religion’s followers.”
- (6) In section 48 (certain discriminatory training), in each of subsections (2) and (3) after “section 12” there is inserted “or 29A”, and after subsection (3) there is added – 20
- “(4) In subsections (2) and (3) references to an organisation to which section 29A applies include references to any association to which that section applies.” 25
- (7) In section 49 (trade unions etc: elective bodies), in subsection (1) –
- (a) after “section 12”, in the first place where it occurs, there is inserted “or 29A”; and
- (b) for “section 12”, in the second place where it occurs, there is substituted “that section”. 30
- (8) In section 49, after subsection (2) there is added –
- “(3) In this section references to an organisation to which section 29A applies include references to any association to which that section applies.”
- 3 Consequential amendment 35**
- In the Licensing Act 1964 (c. 26), in Schedule 7 (provisions as to club rules), in paragraph 2(4)(a) the words from “women” to “women’s club,” are repealed.
- 4 Short title, extent, commencement and transitional provision**
- (1) This Act may be cited as the Sex Discrimination in Private Clubs Act 2003.
- (2) Any amendment of an enactment by this Act has the same extent as the enactment amended. 40
- (3) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.

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- (4) The Secretary of State may by order make such transitional provision as he considers appropriate in connection with the coming into force of any provision of this Act.
 - (5) Any power to make an order which is conferred by this section is exercisable by statutory instrument. 5
 - (6) An order under this section which contains transitional provision shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (7) Any statutory instrument made under this section may make different provision for different cases. 10

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To make provision for the prevention of sex discrimination in relation to membership of, or the benefits, facilities and services afforded by, clubs and other private associations.

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