
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2008 No.

The Disability Discrimination (Private Clubs,
etc.) Regulations (Northern Ireland) 2008

PART III

REASONABLE ADJUSTMENTS

Duty of associations to make adjustments: justification

13.—(1) For the purposes of section 21G(6) of the 1995 Act, failure to comply with a duty set out in any of regulations 6 to 9 is justified only if—

- (a) in the opinion of the association, one or both of the conditions mentioned in paragraph (2) are satisfied; and
- (b) it is reasonable, in all the circumstances, for it to hold that opinion.

(2) The conditions are that—

- (a) the non-compliance with the duty is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person);
- (b) subject to paragraph (3), the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the non-compliance with the duty is reasonable in that case.

(3) The condition at paragraph (2)(b) shall not apply where another person is acting for a disabled person by virtue of—

- (a) an enduring power of attorney; or
- (b) functions conferred by or under Part VIII of the Mental Health (Northern Ireland) Order 1986.