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STATUTORY INSTRUMENTS

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**2005 No. 3258**

**The Disability Discrimination  
(Private Clubs etc.) Regulations 2005**

**PART 3**

**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) a power of attorney; or
- (b) functions conferred by or under Part 7 of the Mental Health Act 1983; or
- (c) powers exercisable in relation to the disabled person's property or affairs in consequence of the appointment, under the law of Scotland, of a guardian, tutor or judicial factor.