



Government
Equalities Office

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Equality Act 2010

**Ban on age
discrimination in the
provision of services,
public functions and
associations**

**A guide for
private clubs
and other
associations**

About this guide

From 1st October 2012 a private club or association cannot, without sufficient reason, discriminate against club members and guests because of age. It is already against the law for private clubs and associations to discriminate against job applicants and employees in this way.

This guide explains what a private club or association can and cannot do when the age discrimination ban in the provision of services is implemented.

This guide is for private clubs and associations with 25 or more members. If your club or association does not fit this category, please refer to the Further sources of information section for more advice.

What you can still do from 1st October 2012

If a private club or association wants to treat members and guests differently because of their age there are various circumstances (exceptions) where this is still allowed by the law.

There are two exceptions from the ban which will be of particular interest to private clubs and associations:

- **Concessions** - allows private clubs and associations such as golf clubs to offer concessions to members above/below a certain age or based on 'long service/membership'.
- **Sport** - allows for the continuation of age-restricted sports competitions, for example, under-21s' football competitions and tennis veterans' competitions.

This means that, for example:

- Private clubs or associations for people of particular age groups or ages will continue to be able to operate. For example, clubs for 'under 20s' and 'pensioners' clubs'.
- Private clubs or associations can use age to determine eligibility for concessions, discounts or the like. For example, a golf club will be able to offer concessionary pricing based on a person's age or length of membership and free access to facilities at certain times to certain age groups.
- There is no restriction on the nature of the concession. A private club or association will be able to offer discounts on the price of membership, admission, goods, tickets etc, according to age, if they wish.
- Private clubs and associations are free to set their own age limits for concessions.
- Private clubs or associations can offer age-specific services which are beneficial or are justifiable. Services are often targeted in this way to reach those people most likely to need them.
- Private clubs and associations to do with sport, such as golf, tennis, bowls and 'intellectual' games (such as chess, bridge), can continue to operate age limits and age bands to secure fair competition or the safety of competitors or to comply with rules determined at a national or international level or by sports governing bodies.

Objective justification for other age-related decisions

If an organisation has other policies or practices which amount to age discrimination in the provision of services, and they do not come within an exception, they will still be lawful if they can be 'objectively justified'. In other words a private club or association must be able to show good reason for the policy or practice. Objective justification is showing that any age discrimination is 'a proportionate means of achieving a legitimate aim'.

What you cannot do

- A private club or association cannot treat someone differently if the practice is not covered by an exception or cannot be objectively justified.
- A private club or association can never harass someone for reasons related to their age (for example, by using derogatory language) or victimise them for making a complaint.

Age discrimination ban: Frequently Asked Questions

Can my club offer concessions on membership and services based on age and length of service / length of membership?

Yes. Clubs can offer concessions on membership to persons of a particular age or who have been members of the club or association for a certain number of years, according to the rules of the club or association.

My golf club offers membership categories that entail the same playing rights but at different price levels depending on the member's age, will this still be lawful?

Yes. Clubs can lawfully offer services at different prices depending on a person's age. For example, a private golf club can charge an annual membership fee of £500 to those under 65, but a reduced membership fee for those 65 and over of £250, and a fee of £100 for those aged 80 or more.

Can we still hold a veterans' tennis tournament?

Yes. Age-restricted sporting competitions such as veterans' tennis competitions can still take place.

Can I still exclude a 16 year old from taking part in an adult tennis competition?

Yes, but it is perfectly open to the club to allow 16 year-olds to compete if it wishes. The age discrimination ban only protects those aged 18 and above. It would be up to the discretion of the individual club or association to decide whether those aged under 18 could take part.

Enforcement

Any adult can bring a complaint and ultimately a County Court action, if they feel that they have experienced unjustified age discrimination, harassment or victimisation. But they must be able to show that they were genuinely interested in using the specific service.

Further sources of information

Further information about the age discrimination ban in services and public functions is available from the Government Equalities Office at:

Overview guide: **www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/**

E-mail: **public.enquiries@homeoffice.gsi.gov.uk**

Citizens advice will also be able to offer assistance:

Website: **www.citizensadvice.org.uk**