



Disabled Persons (Employment) Act (Northern Ireland) 1945 ^{F1}

1945 CHAPTER 6

An Act to make further and better provision for enabling persons handicapped by disablement to secure employment, or work on their own account, and for purposes connected therewith. [1st May 1945]

WHEREAS by section twenty-two of the Disabled Persons (Employment) Act, 1944 ^{M1}, passed by the Parliament of the United Kingdom (in this act referred to as “the United Kingdom Act”) it is provided that notwithstanding anything in the Government of Ireland Act, 1920 ^{M2}, the Parliament of Northern Ireland shall have power to make laws, in respect of matters exclusively relating to Northern Ireland or any part thereof, for purposes similar to any of the purposes of the United Kingdom Act.

F1 Functions transf., SR 1999/481

Modifications etc. (not altering text)

C1 [Act: transfer of functions \(8.5.2016\) by The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\), art. 1\(2\), Sch. 4 Pt. 1 \(with art. 9\(2\)\)](#)

Marginal Citations

M1 1944 c. 10

M2 1920 c. 67

DISABLED PERSONS

S. 1 rep. by 1995 c. 50

Status: Point in time view as at 08/05/2016.

Changes to legislation: There are currently no known outstanding effects for the Disabled Persons (Employment) Act (Northern Ireland) 1945. (See end of Document for details)

VOCATIONAL TRAINING AND INDUSTRIAL REHABILITATION COURSES

2 ^{F2}Vocational training courses.

- (1) The Ministry of Labour^{F3} (in this Act referred to as “the Ministry”) may with the approval of the Ministry of Finance provide, or make arrangements for the provision by other persons of, facilities (in this Act referred to as “vocational training courses”) for the training of disabled persons, [^{F4} being over compulsory school age for the purposes of the Education^{F5} and Libraries (Northern Ireland) Order 1986]], who are in need of training in order to render them competent to undertake employment, or work on their own account, of a kind suited to their age, experience and general qualifications.
- (2) The Ministry may make arrangements with any other government department for the exercise by that department of any of the powers conferred on it by this section.
- (3) Where the Ministry or any other government department makes arrangements under this section for the provision of a vocational training course by other persons, the Ministry or that department may defray or contribute towards the cost incurred by those persons of the provision of the facilities.

F2 prosp. rep. by 1995 c.50

F3 Functions transf., 1946 c.11 (NI); SRO (NI) 1964/205; 1973/504

F4 1960 c.4 (NI)

F5 1986 NI 3

3 ^{F6}Industrial rehabilitation courses.

- (1) The Ministry may with the approval of the Ministry of Finance provide, or make arrangements for the provision by other persons of, such facilities as are mentioned in this section (in this Act referred to as “industrial rehabilitation courses”) for disabled persons, [^{F7} being over compulsory school age for the purposes of the Education^{F8} and Libraries (Northern Ireland) Order 1986]], who, by reason of unfitness arising from their injury, disease or deformity, are in need of such facilities in order to render them fit for undertaking employment, or work on their own account, of a kind in which they were engaged before they became disabled or of some other kind suited to their age, experience and qualifications, or for making use of a vocational training course.
- (2) The facilities which may be provided under this section shall consist of facilities whereby such persons may, under adequate medical supervision and under circumstances conducive to the attainment of fitness, obtain physical training, exercise, and occupation conducive to the attainment thereof, and such other incidental facilities as may appear to the Ministry to be requisite for enabling persons attending an industrial rehabilitation course to obtain the full benefit thereof.
- (3) Where the Ministry makes arrangements under this section for the provision of an industrial rehabilitation course by other persons, it may defray or contribute towards the cost incurred by those persons of the provision of the facilities.

F6 prosp. rep. by 1995 c.50

F7 1960 c.4 (NI)

F8 1986 NI 3

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4 ^{F9}Payments to persons attending courses.

The Ministry, or, in the case of a course provided by, or under arrangements made by, another government department, that department, may defray, or contribute towards, expenses incurred by persons attending vocational training courses or industrial rehabilitation courses in travelling to and from the place where the course is held, and may make payments to or in respect of such persons, up to such amounts as the Ministry or that department may with the approval of the Ministry of Finance determine and in such manner as the Ministry or that department may determine.

F9 prosp. rep. by [1995 c.50](#)

S.5 rep. by SLR 1980

PROVISIONS FOR ENABLING REGISTERED DISABLED PERSONS TO OBTAIN
EMPLOYMENT OR TO UNDERTAKE WORK ON THEIR OWN ACCOUNT

Ss. 6#14 rep. by 1995 c. 50

15 Provision of employment, or work on their own account, under special conditions, for registered persons who are seriously disabled.

- (1) Facilities may be provided as specified in this section for enabling^[F10] disabled persons] who by reason of the nature or severity of^[F10] their disability] are unlikely either at any time or until after the lapse of a prolonged period to be able otherwise to obtain employment, or to undertake work on their own account (whether because employment or such work would not be available to them or because they would be unlikely to be able to compete therein on terms comparable as respects earnings and security with those enjoyed by persons engaged therein who^[F10] do not have a disability]), to obtain employment or to undertake such work under special conditions, and for the training of such persons for the employment or work in question.
- (2) The nature of the facilities to be provided under this section shall be such as the Ministry may determine, and the Ministry may with the approval of the Ministry of Finance make arrangements for the provision thereof by^[F10] any company, association or body], which appears to the Ministry to be able and willing to provide the requisite facilities in an efficient and proper manner.

^[F10](2A) The only kind of company which the Department itself may form in exercising its powers under this section is a company which is—

- (a) required by its constitution to apply its profits, if any, or other income in promoting its objects; and
 - (b) prohibited by its constitution from paying any dividend to its members.]
- (3) The objects of any company to be formed for the purposes of this section may include all such objects as appear to the Ministry to be requisite for enabling it to act effectively for those purposes, and any such company shall be constituted so as to enable all or any of its operations to be controlled by the Ministry or persons acting on behalf of the Ministry as may appear to the Ministry to be requisite.
 - (4) The Ministry, or with its authorisation any such company, association or body as aforesaid providing facilities under this section, may defray or contribute towards expenses incurred by persons for whom facilities are provided under this section in travelling to and from the place where they are employed or work or where training is

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provided, and may make payments to or in respect of such persons, up to such amounts as the Ministry may with the approval of the Ministry of Finance determine and in such manner as the Ministry may determine.

(5) Payments may be made by the Ministry—

- (a) in respect of the expenses of the formation and incorporation of any such company as aforesaid;
- (b) to any such company association or body as aforesaid in respect of expenses incurred by them in providing facilities under this section, or of expenses incurred by them under the last preceding sub-section; and
- (c) to any local authority in respect of expenses incurred by them under any enactment conferring powers on them in that behalf in providing under arrangements made between the Ministry and the authority facilities approved by the Ministry for any of the purposes mentioned in sub-section (1) of this section, in defraying or contributing towards expenses incurred by persons for whom such facilities are so provided in travelling as mentioned in the last preceding sub-section, or in making payments to or in respect of such persons;

up to such amounts as the Ministry may with the approval of the Ministry of Finance determine.

[^{F10}(5A) For the purposes of this section—

- (a) a person is a disabled person if he is a disabled person for the purposes of the Disability Discrimination Act 1995; and
- (b) “disability” has the same meaning as in that Act.]

Subs.(6) rep. by SLR 1980

F10 1995 c.50

ADMINISTRATION

16 Preference for ex-service men and women.

[^{F11}(1)] The Ministry shall so exercise its discretion in selecting persons for^{F12} vocational training and industrial rehabilitation courses and facilities under section fifteen of this Act at any time while it appears to the Ministry that such^{F12} courses and facilities cannot for the time being be provided for all persons in need of them,^{F12} and in selecting persons registered as handicapped by disablement with a view to submitting their names for engagements, as to secure that, so far as consistent with the efficient exercise of its powers, preference shall be given to persons^{F13}. . . who have served whole time in the armed forces of the Crown or in the merchant navy or the mercantile marine and who before so serving were ordinarily resident in the United Kingdom;^{F13} . . . [^{F11} and whose disability is due to that service.]

[^{F11}(2)] [^{F11}For the purposes of subsection (1) of this section, a disabled person's disability shall be treated as due to service of a particular kind only in such circumstances as may be prescribed.]

F11 1995 c.50

F12 prosp. rep. by 1995 c.50

F13 1981 c.55

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Changes to legislation: There are currently no known outstanding effects for the Disabled Persons (Employment) Act (Northern Ireland) 1945. (See end of Document for details)

S. 17 rep. by SR 1998/230

18 Appointment of officers and payment of expenses.

- (1) The Ministry, with the approval of the Ministry of Finance^{F14} as to numbers and remuneration, may appoint officers and servants to act for the purposes of this Act, and may, in lieu of or in addition to appointing persons under this section, arrange with any government department that officers or servants of that department shall act for the purposes of this Act.
- (2) There shall be paid to officers and servants appointed under this section such salaries or remuneration as the Ministry of Finance^{F14} may determine, ...^{F15}.
- (3) There shall be appropriated in aid of the expenses incurred by the Ministry under this Act such amounts as may be paid to the Government of Northern Ireland out of the Consolidated Fund of the United Kingdom under sub-section (3) of section twenty-two of the United Kingdom Act as representing the amount of the expenses incurred by the Government of Northern Ireland under this Act in respect of matters as to which, apart from sub-section (2) of the said section twenty-two, the Parliament of Northern Ireland has not power to make laws.

F14 Now D/CS, SR 1976/281

F15 SLR 1980

S. 19 rep. by 1995 c. 50

20 Regulations and orders.

- (1) The Ministry may make regulations for prescribing anything which under this Act is to be prescribed.
- (2) All regulations and orders made by the Ministry under this Act shall, as soon as may be after they are made, be laid before each House of Parliament. If either House of Parliament within the statutory period next after the day on which any such regulation or order has been laid before such House resolves that the regulation or order shall be annulled, the regulation or order shall after the date of the resolution become void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation or order.
In this sub-section the expression “statutory period” means ...
definition in 1954 c.33 (NI) s.42(1) substituted by 1979 NI 12
- (3) An order made under this Act may be varied or revoked by a subsequent order.

APPLICATION, COMMENCEMENT, ETC.

S. 21 rep. by 1995 c. 50

22 ^{F16}Application of Act to disabled persons registered under United Kingdom Act.

For the purposes of the matters dealt with in sections nine to fifteen of this Act or any of those matters, registration in the register of disabled persons maintained under the United Kingdom Act shall be treated as having the same effect as registration in the register of disabled persons maintained under this Act:

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Provided that the provision made by this section shall not have effect during any period occurring after the passing of this Act in which registration in the register of disabled persons maintained under this Act is not treated, pursuant to sub-section (4) of section twenty-two of the United Kingdom Act, as having, for the purposes of the matters dealt with in sections nine to fifteen of the United Kingdom Act or any of those matters, the same effect as registration under that Act.

F16 prosp. rep. by [1995 c.50](#)

23 Short title.

(1) This Act may be cited as the Disabled Persons (Employment) Act (Northern Ireland), 1945.

Subs.(2)(3) rep. by 1954 c.33 (NI); subs.(4) rep. by SLR (NI) 1952

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SCHEDULES

Schedule 1 rep. by 1981 c. 55

Schedule 2 rep. by SR 1998/230

Status:

Point in time view as at 08/05/2016.

Changes to legislation:

There are currently no known outstanding effects for the Disabled Persons (Employment) Act (Northern Ireland) 1945.