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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 55**

**The Disability Discrimination Act 1995  
(Amendment) Regulations (Northern Ireland) 2004**

**PART II**

**AMENDMENTS TO THE ACT**

**Supplementary and general; charities etc.**

17.—(1) In Part II of the Act, before section 18, insert the following cross-heading –

*“Supplementary and general”.*

(2) In Part II of the Act, after section 18A (alterations to premises occupied under leases), the former section 16 moved, renumbered and amended by regulation 14, insert the following sections –

**“Reasonable adjustments: supplementary**

**18B.**—(1) In determining whether it is reasonable for a person to have to take a particular step in order to comply with a duty to make reasonable adjustments, regard shall be had, in particular, to –

- (a) the extent to which taking the step would prevent the effect in relation to which the duty is imposed;
- (b) the extent to which it is practicable for him to take the step;
- (c) the financial and other costs which would be incurred by him in taking the step and the extent to which taking it would disrupt any of his activities;
- (d) the extent of his financial and other resources;
- (e) the availability to him of financial or other assistance with respect to taking the step;
- (f) the nature of his activities and the size of his undertaking;
- (g) where the step would be taken in relation to a private household, the extent to which taking it would –
  - (i) disrupt that household, or
  - (ii) disturb any person residing there.

(2) The following are examples of steps which a person may need to take in relation to a disabled person in order to comply with a duty to make reasonable adjustments –

- (a) making adjustments to premises;
- (b) allocating some of the disabled person’s duties to another person;
- (c) transferring him to fill an existing vacancy;
- (d) altering his hours of working or training;

- (e) assigning him to a different place of work or training;
- (f) allowing him to be absent during working or training hours for rehabilitation, assessment or treatment;
- (g) giving, or arranging for, training or mentoring (whether for the disabled person or any other person);
- (h) acquiring or modifying equipment;
  - (i) modifying instructions or reference manuals;
- (j) modifying procedures for testing or assessment;
- (k) providing a reader or interpreter;
- (l) providing supervision or other support.

(3) For the purposes of a duty to make reasonable adjustments, where under any binding obligation a person is required to obtain the consent of another person to any alteration of the premises occupied by him –

- (a) it is always reasonable for him to have to take steps to obtain that consent; and
- (b) it is never reasonable for him to have to make that alteration before that consent is obtained.

(4) The steps referred to in subsection (3)(a) shall not be taken to include an application to a court or tribunal.

(5) In subsection (3), “binding obligation” means a legally binding obligation (not contained in a lease (within the meaning of section 18A(3)) in relation to the premises, whether arising from an agreement or otherwise.

(6) A provision of this Part imposing a duty to make reasonable adjustments applies only for the purpose of determining whether a person has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

### **Charities and support for particular groups of persons**

**18C.—**(1) Nothing in this Part –

- (a) affects any charitable instrument which provides for conferring benefits on one or more categories of person determined by reference to any physical or mental capacity; or
- (b) makes unlawful any act done by a charity in pursuance of any of its charitable purposes, so far as those purposes are connected with persons so determined.

(2) Nothing in this Part prevents –

- (a) a person who provides supported employment from treating members of a particular group of disabled persons more favourably than other persons in providing such employment; or
- (b) the Department for Employment and Learning from agreeing to arrangements for the provision of supported employment which will, or may, have that effect.

(3) In this section –

“charitable instrument” means an enactment or other instrument (whenever taking effect) so far as it relates to charitable purposes;

“charitable purposes” means purposes which are exclusively charitable according to the law of Northern Ireland;

“charity” has the same meaning as in Charities Act (Northern Ireland) 1964<sup>(1)</sup>; and  
“supported employment” means facilities provided, or in respect of which payments are made, under section 15 of the Disabled Persons (Employment) Act (Northern Ireland) 1945<sup>(2)</sup>.”.

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(1) 1964 c. 33 (N.I.)  
(2) 1945 c. 6 (N.I.)